



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 6, 1992

Michael Marino, Esquire
HALL, LEVY & MARINO, P.A.
Suite 1212
Ten East Baltimore Street
Baltimore, MD 21202

RE: Case 91-29-SPH
Thomas Thingelstad, et ux
(Richard Schlesinger, et ux)

Dear Mr. Marino:

Enclosed please find a copy of the Supplemental Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Richard & Jennifer Schlesinger
Mr. & Mrs. Thomas Thingelstad
Peter W. Taliaferro, Esquire
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
✓ Arnold Jablon, Director of
Zoning Administration

IN THE MATTER OF THE * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
THOMAS THINGELSTAD, ET UX *
FOR A SPECIAL HEARING ON *
PROPERTY LOCATED ON THE NORTH * OF
SIDE HILLSTEAD DRIVE, 1900' * BALTIMORE COUNTY
WEST OF CENTERLINE OF FALLS RD *
(800 HILLSTEAD DRIVE) * CASE NO. 91-29-SPH
3RD ELECTION DISTRICT *
2ND COUNCILMANIC DISTRICT * * * * *

SUPPLEMENTAL ORDER

WHEREAS, by Order dated November 1, 1991, the County Board of
Appeals of Baltimore County (the "Board") granted the Petitioners,
Thomas L. Thingelstad and Mary A. Thingelstad, his wife, requested
relief concerning among other things the acknowledgement of
Petitioners' pool house as an accessory building; and

WHEREAS, the Board's Order required the filing of certain
restrictive covenants among the Land Records of Baltimore County
concerning restrictions on usage of said pool house; and

WHEREAS, as a natural extension of the Board's Order, it is
necessary for the Board to review said restrictive covenants for
compliance with the Order; and

WHEREAS, the Board's Order is final, no appeal having been
taken.

NOW THEREFORE, having reviewed said restrictive covenants and
having found them to be in compliance with this Board's Order of
November 1, 1991, it is this 6th day of August, 1992
by the County Board of Appeals of Baltimore County

ORDERED that the restrictive covenants contained in a
Declaration by and between Richard S. Schlesinger and Jennifer J.
Schlesinger, his wife, and Thomas L. Thingelstad and May A.

Case No. 91-29-SPH (Thingelstad) SUPPLEMENTAL ORDER 2
Thingelstad, his wife, dated August 6, 1992 be recorded among
the Land Records of Baltimore County within 30 days of this
Supplemental Order.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Michael B. Sauer
Michael B. Sauer, Acting Chairman

Judson H. Lipowitz
Judson H. Lipowitz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

DECLARATION

THIS DECLARATION, dated August 6, 1992, by
and between RICHARD S. SCHLESINGER and JENNIFER J.
SCHLESINGER, his wife ("Schlesingers") and THOMAS L.
THINGELSTAD and MARY A. THINGELSTAD, his wife
("Thingelstads").

Recitals

A. Schlesingers are the owners of certain fee simple
property (the "Property") described as:

BEING KNOWN AND DESIGNATED as Lot No. 12, as
shown on the Plat entitled, "Plat 'A' Hillstead",
which Plat is recorded among the Land Records of
Baltimore County in Plat book S.M. No. 58, folio
42. The improvements thereon being known as No.
800 Hillstead Drive by virtue of a Deed dated
January 21, 1991 and recorded among the Land
Records of Baltimore County in Liber S.M. No.
58, folio 42.

B. The immediate predecessor in title to Schlesingers
were Thingelstads.

C. Thingelstads applied to the Zoning Commissioner
for Baltimore County by way of a Petition for Special
Hearing requesting, among other things, a pool house located
upon the Property containing plumbing, range and
refrigerator be regarded as an accessory building to the
house, also located upon the Property, and not as a
dwelling.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. The recitals contained herein are not merely
precatory, but are incorporated herein.

2. The existing pool house ("Pool House") (as shown
on Exhibit A attached hereto) shall not be used as a
dwelling.

3. The Pool House shall only be used for the storage
of pool supplies and pool equipment and such other uses
necessary or incidental to the swimming pool located on the
Property.

4. Insulation and heat to the Pool House shall be
prohibited.

WITNESS:

Richard S. Schlesinger (SEAL)
Richard S. Schlesinger

Jennifer J. Schlesinger (SEAL)
Jennifer J. Schlesinger

Thomas L. Thingelstad (SEAL)
Thomas L. Thingelstad

Mary A. Thingelstad (SEAL)
Mary A. Thingelstad

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, TO WIT:

On this 26 day of FEBRUARY, 1992,
before me, the undersigned officer, personally appeared
Richard S. Schlesinger, known to me (or satisfactorily
proven) to be the person whose name is subscribed to within
the instrument and acknowledged that he executed the same
for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official
seal.

One-Line Dickover
Notary Public

My Commission Expires: June 1, 1992

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, TO WIT:

On this 26 day of FEBRUARY, 1992,
before me, the undersigned officer, personally appeared
Jennifer J. Schlesinger, known to me (or satisfactorily
proven) to be the person whose name is subscribed to within
the instrument and acknowledged that she executed the same
for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official
seal.

One-Line Dickover
Notary Public

My Commission Expires: June 1, 1992

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, TO WIT:

On this 28th day of December, 1991,
before me, the undersigned officer, personally appeared
Thomas L. Thingelstad, known to me (or satisfactorily
proven) to be the person whose name is subscribed to within
the instrument and acknowledged that he executed the same
for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official
seal.

Taura Ruder Biser
Notary Public

My Commission Expires: July 1, 1995

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, TO WIT:

On this 28th day of December, 1991,
before me, the undersigned officer, personally appeared Mary
A. Thingelstad, known to me (or satisfactorily proven) to be
the person whose name is subscribed to within the instrument
and acknowledged that she executed the same for the purposes
therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official
seal.

Taura Ruder Biser
Notary Public

My Commission Expires: July 1, 1995

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 21, 1990

Michael E. Marino, Esquire
10 E. Baltimore Street, Suite 1212
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
Thomas Thingelstad, et ux, Petitioners
Case No. 91-29-SPH

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted in part and denied in part.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel
cc: Petitioners
cc: Protestant

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(801) 887-3610

Ted Zaleski, Jr.
Director

January 30, 1990

Re: 800 Hillstead Drive
B-90-21



Dennis F. Rasmussen
County Executive

Dear Mr. Thingelstad:

On January 26, 1990, I personally inspected the structure recently constructed adjacent to your swimming pool rear yard. County records indicate that permit #8031121 was issued to you to construct a 18'x18'x13' high shed on the rear of your property. The structure that was constructed exceeds these dimensions and may be encroaching into the onsite sewerage disposal reserve area. The permit also states that no plumbing and electrical work will be installed. I have been informed by other county employees that both electrical and plumbing have been installed in this building that is being used for habitable space rather than the shed indicated on the permit.

To resolve this problem, it will be necessary for you to submit a new application for a building permit accurately reflecting both the size, including the height and the intended use and if you planned to install electrical and plumbing in this building. This must be included on the permit application. The application must be accompanied by a site plan prepared by a surveyor, licensed to practice in Maryland, accurately locating the building on the property and the boundary of the sewerage disposal reserve area. Also have your surveyor measure the height of the building from the underlying ground at the four corners of the building so that the Office of Zoning can determine if it complies with the height restrictions for accessory structures.

The revised permit application and the accompanying plat must be submitted to Baltimore County not later than February 15, 1990. If you have any questions concerning this matter, please call me at 887-3373.

Very truly yours,

Joseph M. Nolan
Joseph M. Nolan
Assistant Buildings Engineer

JMN:hml

cc: b file
correspondence
date file

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 1, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Hillstead Drive, 1900 ft. W of c/1 of Falls Road
(800 Hillstead Drive)
3rd Election District, 2nd Councilmanic District
THOMAS THINGELSTAD, ET UX - Petitioner
Case No. 91-29-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 18, 1991 by Michael E. Marino, Attorney on behalf of the Petitioners. A second appeal was filed in this office on January 28, 1991 by Peter W. Taliaferro, Attorney on behalf of the Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

cc: Mr. & Mrs. Thomas Thingelstad
800 Hillstead Drive, Lutherville, MD 21093

Michael E. Marino, Esquire - Hall, Levy & Marino, P.A.
Ten East Baltimore Street, Suite 1212, Baltimore, MD 21202

David and Donna Smith, 802 Hillstead Drive, Lutherville, MD 21093

Peter W. Taliaferro, Esquire - Moore, Libowitz & Thomas
Fifth Floor, 300 N. Charles Street, Baltimore, MD 21201-4305

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

FILE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director
TO: Zoning Administration

DATE: August 6, 1992

Lindalee M. Kuszmaul
FROM: County Board of Appeals

Closed File
SUBJECT: Case No. 91-29-SPH (Thomas Thingelstad, et ux)

Please be advised that the attached Supplemental Order should be included with the original zoning file which was closed and sent to your office on December 3, 1991. The sole purpose for this Supplemental Order is to incorporate a Declaration prepared by Counsel for the Thingelstads so that it may be recorded among the Land Records of Baltimore County.

Linda

Attachment

RECEIVED
AUG 10 1992

ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

December 27, 1989

TO: Kevin R. Connor
Zoning Inspector

FROM: Bob Aschenbrenner
Water and Sewer Division

SUBJECT: 800 Hillstead Drive, E.D. 8
Case # C-90-1205, B031121

We have reviewed the above referenced case and determined that there appears to be no violation of the Environmental Codes relative to this matter at this time. We have authority to regulate the installation and repair of private on site sewage disposal systems, and to issue violation notices for failing sewage systems. The aforementioned sections of the code do not apply in this case since there is no failure of the sewage system nor any evidence of that the on site sewage system has been materially altered.

This office granted routine approval for construction of a shed on the subject property. As we discussed, it appears that the permit application for the shed was inaccurate and that plumbing fixtures were installed without benefit of the required plumbing permits. If it is ultimately decided that the plumbing fixtures may remain in the building then we would need to re-evaluate the sewage disposal system for the increase in waste water loading at that time. I would appreciate having you contact our office when a final determination has been made on usage of the building in question.

If you have any additional questions regarding this matter, feel free to call me at 82762.

RJA:pj

Subject: Case No. C-90-1205
800 Hillstead Drive
Accessory Structure

October 27, 1989

I made my first inspection of the above property after receiving a complaint from Captain Kelley of the Fire Department. He stated that a neighbor was complaining about the cul-de-sac not being in place, an extremely large so called shed. I also saw a wall and landscaping constructed where the cul-de-sac should be.

November 9, 1989

Mr. David Smith, complainant, called to inform me that he did not believe that Mr. Thingelstad had gotten the proper permit. I then pulled building permit #B031121. It showed that Mr. Thingelstad was to construct a building that should be 18 x 18 x 13. One story, no plumbing and no electricity. (Copy of permit enclosed)

November 15, 1989

I had a meeting with Mr. Jim Dyer and presented to him the final development plan showing the cul-de-sac. Captain Kelley then joined the meeting and explained the purpose of a cul-de-sac being placed on any panhandle over 300 feet. Mr. Dyer suggested that we set up a date to take an emergency vehicle out there. Date: November 29, 1989

November 29, 1989

1:30 p.m. Captain Kelley and I visited the property with Fire Engine #14. The truck went down the panhandle and with some maneuvering was able to turn around. We spoke with Mr. and Mrs. Thingelstad and explained why we were there. We then went to the rear of the property and took photos of the building.

November 30, 1989

I checked with Building Permits to again check the size and to set up a date to inspect the property with a Building Inspector.

December 6, 1989

I made a re-inspection with Building Inspector Vick Reed. The building appeared to be more like a bath house for the pool than a shed. It had a stove, a kitchen, a shower fixture and a toilet fixture. We both felt that there were some obvious violations.

December 6, 1989

Mr. Smith came in with papers showing his ownership in the panhandle. Later Mr. Thingelstad called the office requesting information on what corrections were needed. I explained to him about the cul-de-sac and also the building with the full kitchen, shower, and toilet fixtures. Later in the conversation he asked why he was being harassed by the County. I explained that I was just doing my job. He then informed me that he would disconnect the plumbing fixtures. He also stated that he thought our inspection was illegal.

December 7, 1989

I called Bob Aschenbrenner of the Department of Environmental Protection Resource Management. I asked questions concerning accessory structures in septic areas and about an illegal hook-up wherein waste may be dumped. I told him I would send him a letter.

December 7, 1989

I spoke with Deputy Chief O'Neal of Fire Prevention who stated that he felt that the property owner was in violation of Fire Regulations. He showed me a copy of the regulation. He said that a letter would go out to J. Robert Haines addressing this matter.

December 13, 1989

I met with Bob. He stated that he felt comfortable with making the owner comply with the Final Development Plan. He said for me to send a letter out informing the property owner of possible violations, copy enclosed.

January 19, 1990

I re-inspected the property and saw that Mr. Thingelstad had removed the stove from the kitchen and placed it in front of the screened in section of the pool house. I took photos. I also questioned the height of the building, whether or not it was under 15 feet. He believed it was. I also saw where Mr. Thingelstad had cut the plumbing pipe from the house going into the ground. I told Mr. Thingelstad.

January 23, 1990

Mr. Smith and his lawyer, Peter Taliaferro, came into the office to review the file and to see what agencies could do what to make his neighbor comply with Baltimore County Regulations.

February 8, 1990

Mr. Thingelstad came in to review the file.

March 16, 1990

Mr. Thingelstad came in to get his permit application approved. Bob and Ann decided that zoning would not sign off. Property owner would need Special Hearing.

RECEIVED ZONING OFFICE
DATE: 1/2/90

5/7/91 - Following parties notified of hearing set for September 10, 1991 at 10:00 a.m.:

Michael A. Marino, Esquire
Mr. and Mrs. Thomas Thingelstad
Peter W. Taliaferro, Esquire
Mr. and Mrs. David Smith
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

7/09/91 -Letter hand-delivered by Jennifer Schlesinger -re new owners of subject property; their intent to pursue appeal.

7/16/91 -Letter from Michael Marino, Esquire, requesting PP; he will be out of town and will return September 11, 1991 (letter in file)

7/25/91 -Notice of PP and Reassignment sent to above parties and Mr. & Mrs. Schlesinger; hearing postponed to October 9, 1991 at 10:00 a.m.

APPEAL

Petition for Special Hearing
N/S Hillstead Drive, 1900 ft. w. of c/1 of Falls Road
(800 Hillstead Drive)
3rd Election District - 2nd Councilmanic District
THOMAS THINGELSTAD, ET UX - Petitioner
Case No. 91-29-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Violation Notice

- Petitioner's Exhibits:
1. Plan to accompany Special Hearing
 2. Plan to accompany Special Hearing
 3. Photograph of addition
 4. No Exhibit marked "4" in file
 5. Photograph of playground
 6. CRG Plan "Hillstead"

- Protestant's Exhibits:
1. Letter from Fire Prevention
 2. Photographs from the Smith's house
 3. Copy of Building Permit Application

Zoning Commissioner's Order dated December 28, 1990 (Denied in part; Granted in part)

1. Notice of Appeal received January 18, 1991 by Michael E. Marino, Attorney on behalf of the Petitioner
2. Notice of Appeal Received January 28, 1991 by Peter W. Taliaferro, Attorney on behalf of the Protestant

cc: Mr. & Mrs. Thomas Thingelstad
800 Hillstead Drive, Lutherville, MD 21093

Michael E. Marino, Esquire - Hall, Levy & Marino, P.A.
Ten East Baltimore Street, Suite 1212, Baltimore, MD 21202

David and Donna Smith, 802 Hillstead Drive, Lutherville, MD 21093

Peter W. Taliaferro, Esquire - Moore, Libowitz & Thomas
Fifth Floor, 300 N. Charles Street, Baltimore, MD 21201-4305

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public Services

91-29SPH

ZONING COMMISSIONER - WITNESS FORM

NAME: Capt Kelley

ADDRESS: Fire Dept.

ADDRESS: Fire Dept.

REPRESENTING: ✓

SUPPORTING: PETITIONER ✓ PROTESTANT ✓

TESTIMONY: Kevin Connor

—BALTIMORE COUNTY, MARYLAND—
Office of the Buildings Engineer

800 Hillstead
Baltimore, MD 21093

Notice No. G- 002652
STOP WORK ORDER

I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF BALTIMORE COUNTY CODE: 2-1-1, 2-1-2, 2-1-3, 2-1-4, 2-1-5, 2-1-6, 2-1-7, 2-1-8, 2-1-9, 2-1-10, 2-1-11, 2-1-12, 2-1-13, 2-1-14, 2-1-15, 2-1-16, 2-1-17, 2-1-18, 2-1-19, 2-1-20, 2-1-21, 2-1-22, 2-1-23, 2-1-24, 2-1-25, 2-1-26, 2-1-27, 2-1-28, 2-1-29, 2-1-30, 2-1-31, 2-1-32, 2-1-33, 2-1-34, 2-1-35, 2-1-36, 2-1-37, 2-1-38, 2-1-39, 2-1-40, 2-1-41, 2-1-42, 2-1-43, 2-1-44, 2-1-45, 2-1-46, 2-1-47, 2-1-48, 2-1-49, 2-1-50, 2-1-51, 2-1-52, 2-1-53, 2-1-54, 2-1-55, 2-1-56, 2-1-57, 2-1-58, 2-1-59, 2-1-60, 2-1-61, 2-1-62, 2-1-63, 2-1-64, 2-1-65, 2-1-66, 2-1-67, 2-1-68, 2-1-69, 2-1-70, 2-1-71, 2-1-72, 2-1-73, 2-1-74, 2-1-75, 2-1-76, 2-1-77, 2-1-78, 2-1-79, 2-1-80, 2-1-81, 2-1-82, 2-1-83, 2-1-84, 2-1-85, 2-1-86, 2-1-87, 2-1-88, 2-1-89, 2-1-90, 2-1-91, 2-1-92, 2-1-93, 2-1-94, 2-1-95, 2-1-96, 2-1-97, 2-1-98, 2-1-99, 2-1-100, 2-1-101, 2-1-102, 2-1-103, 2-1-104, 2-1-105, 2-1-106, 2-1-107, 2-1-108, 2-1-109, 2-1-110, 2-1-111, 2-1-112, 2-1-113, 2-1-114, 2-1-115, 2-1-116, 2-1-117, 2-1-118, 2-1-119, 2-1-120, 2-1-121, 2-1-122, 2-1-123, 2-1-124, 2-1-125, 2-1-126, 2-1-127, 2-1-128, 2-1-129, 2-1-130, 2-1-131, 2-1-132, 2-1-133, 2-1-134, 2-1-135, 2-1-136, 2-1-137, 2-1-138, 2-1-139, 2-1-140, 2-1-141, 2-1-142, 2-1-143, 2-1-144, 2-1-145, 2-1-146, 2-1-147, 2-1-148, 2-1-149, 2-1-150, 2-1-151, 2-1-152, 2-1-153, 2-1-154, 2-1-155, 2-1-156, 2-1-157, 2-1-158, 2-1-159, 2-1-160, 2-1-161, 2-1-162, 2-1-163, 2-1-164, 2-1-165, 2-1-166, 2-1-167, 2-1-168, 2-1-169, 2-1-170, 2-1-171, 2-1-172, 2-1-173, 2-1-174, 2-1-175, 2-1-176, 2-1-177, 2-1-178, 2-1-179, 2-1-180, 2-1-181, 2-1-182, 2-1-183, 2-1-184, 2-1-185, 2-1-186, 2-1-187, 2-1-188, 2-1-189, 2-1-190, 2-1-191, 2-1-192, 2-1-193, 2-1-194, 2-1-195, 2-1-196, 2-1-197, 2-1-198, 2-1-199, 2-1-200, 2-1-201, 2-1-202, 2-1-203, 2-1-204, 2-1-205, 2-1-206, 2-1-207, 2-1-208, 2-1-209, 2-1-210, 2-1-211, 2-1-212, 2-1-213, 2-1-214, 2-1-215, 2-1-216, 2-1-217, 2-1-218, 2-1-219, 2-1-220, 2-1-221, 2-1-222, 2-1-223, 2-1-224, 2-1-225, 2-1-226, 2-1-227, 2-1-228, 2-1-229, 2-1-230, 2-1-231, 2-1-232, 2-1-233, 2-1-234, 2-1-235, 2-1-236, 2-1-237, 2-1-238, 2-1-239, 2-1-240, 2-1-241, 2-1-242, 2-1-243, 2-1-244, 2-1-245, 2-1-246, 2-1-247, 2-1-248, 2-1-249, 2-1-250, 2-1-251, 2-1-252, 2-1-253, 2-1-254, 2-1-255, 2-1-256, 2-1-257, 2-1-258, 2-1-259, 2-1-260, 2-1-261, 2-1-262, 2-1-263, 2-1-264, 2-1-265, 2-1-266, 2-1-267, 2-1-268, 2-1-269, 2-1-270, 2-1-271, 2-1-272, 2-1-273, 2-1-274, 2-1-275, 2-1-276, 2-1-277, 2-1-278, 2-1-279, 2-1-280, 2-1-281, 2-1-282, 2-1-283, 2-1-284, 2-1-285, 2-1-286, 2-1-287, 2-1-288, 2-1-289, 2-1-290, 2-1-291, 2-1-292, 2-1-293, 2-1-294, 2-1-295, 2-1-296, 2-1-297, 2-1-298, 2-1-299, 2-1-300, 2-1-301, 2-1-302, 2-1-303, 2-1-304, 2-1-305, 2-1-306, 2-1-307, 2-1-308, 2-1-309, 2-1-310, 2-1-311, 2-1-312, 2-1-313, 2-1-314, 2-1-315, 2-1-316, 2-1-317, 2-1-318, 2-1-319, 2-1-320, 2-1-321, 2-1-322, 2-1-323, 2-1-324, 2-1-325, 2-1-326, 2-1-327, 2-1-328, 2-1-329, 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2-1-441, 2-1-442, 2-1-443, 2-1-444, 2-1-445, 2-1-446, 2-1-447, 2-1-448, 2-1-449, 2-1-450, 2-1-451, 2-1-452, 2-1-453, 2-1-454, 2-1-455, 2-1-456, 2-1-457, 2-1-458, 2-1-459, 2-1-460, 2-1-461, 2-1-462, 2-1-463, 2-1-464, 2-1-465, 2-1-466, 2-1-467, 2-1-468, 2-1-469, 2-1-470, 2-1-471, 2-1-472, 2-1-473, 2-1-474, 2-1-475, 2-1-476, 2-1-477, 2-1-478, 2-1-479, 2-1-480, 2-1-481, 2-1-482, 2-1-483, 2-1-484, 2-1-485, 2-1-486, 2-1-487, 2-1-488, 2-1-489, 2-1-490, 2-1-491, 2-1-492, 2-1-493, 2-1-494, 2-1-495, 2-1-496, 2-1-497, 2-1-498, 2-1-499, 2-1-500, 2-1-501, 2-1-502, 2-1-503, 2-1-504, 2-1-505, 2-1-506, 2-1-507, 2-1-508, 2-1-509, 2-1-510, 2-1-511, 2-1-512, 2-1-513, 2-1-514, 2-1-515, 2-1-516, 2-1-517, 2-1-518, 2-1-519, 2-1-520, 2-1-521, 2-1-522, 2-1-523, 2-1-524, 2-1-525, 2-1-526, 2-1-527, 2-1-528, 2-1-529, 2-1-530, 2-1-531, 2-1-532, 2-1-533, 2-1-534, 2-1-535, 2-1-536, 2-1-537, 2-1-538, 2-1-539, 2-1-540, 2-1-541, 2-1-542, 2-1-543, 2-1-544, 2-1-545, 2-1-546, 2-1-547, 2-1-548, 2-1-549, 2-1-550, 2-1-551, 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2-1-996, 2-1-997, 2-1-998, 2-1-999, 2-2-000, 2-2-001, 2-2-002, 2-2-003, 2-2-004, 2-2-005, 2-2-006, 2-2-007, 2-2-008, 2-2-009, 2-2-010, 2-2-011, 2-2-012, 2-2-013, 2-2-014, 2-2-015, 2-2-016, 2-2-017, 2-2-018, 2-2-019, 2-2-020, 2-2-021, 2-2-022, 2-2-023, 2-2-024, 2-2-025, 2-2-026, 2-2-027, 2-2-028, 2-2-029, 2-2-030, 2-2-031, 2-2-032, 2-2-033, 2-2-034, 2-2-035, 2-2-036, 2-2-037, 2-2-038, 2-2-039, 2-2-040, 2-2-041, 2-2-042, 2-2-043, 2-2-044, 2-2-045, 2-2-046, 2-2-047, 2-2-048, 2-2-049, 2-2-050, 2-2-051, 2-2-052, 2-2-053, 2-2-054, 2-2-055, 2-2-056, 2-2-057, 2-2-058, 2-2-059, 2-2-060, 2-2-061, 2-2-062, 2-2-063, 2-2-064, 2-2-065, 2-2-066, 2-2-067, 2-2-068, 2-2-069, 2-2-070, 2-2-071, 2-2-072, 2-2-073, 2-2-074, 2-2-075, 2-2-076, 2-2-077, 2-2-078, 2-2-079, 2-2-080, 2-2-081, 2-2-082, 2-2-083, 2-2-084, 2-2-085, 2-2-086, 2-2-087, 2-2-088, 2-2-089, 2-2-090, 2-2-091, 2-2-092, 2-2-093, 2-2-094, 2-2-095, 2-2-096, 2-2-097, 2-2-098, 2-2-099, 2-2-100, 2-2-101, 2-2-102, 2-2-103, 2-2-104, 2-2-105, 2-2-106, 2-2-107, 2-2-108, 2-2-109, 2-2-110, 2-2-111, 2-2-112, 2-2-113, 2-2-114, 2-2-115, 2-2-116, 2-2-117, 2-2-118, 2-2-119, 2-2-120, 2-2-121, 2-2-122, 2-2-123, 2-2-124, 2-2-125, 2-2-126, 2-2-127, 2-2-128, 2-2-129, 2-2-130, 2-2-131, 2-2-132, 2-2-133, 2-2-134, 2-2-135, 2-2-136, 2-2-137, 2-2-138, 2-2-139, 2-2-140, 2-2-141, 2-2-142, 2-2-143, 2-2-144, 2-

LAW OFFICES
MOORE, LIBOWITZ & THOMAS
A PROFESSIONAL ASSOCIATION
FIFTH FLOOR
300 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4305
(301) 752-2468
TELECOPIER (301) 752-2046

September 12, 1990

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: THOMAS L. THINGELSTAD
PETITION FOR SPECIAL HEARING
91-29-SPH 449

Dear Commissioner Haines:

Pursuant to Rule IV.C of the Rules of Practice and Procedure of the Zoning Commissioner of Baltimore County, please issue the following subpoenas duces tecum compelling the following named individuals to bring the following identified documents to the hearing to be held in the above-referenced matter on September 18, 1990 at 9:30 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204:

1. Vick Reed
Building Inspector
Baltimore County Department of Permits and Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204

To bring with him: All records of permit applications for the construction of, and of the inspection of, all buildings constructed at 800 Hillstead Drive, Lutherville, Maryland since January 1, 1987.

In the Matter of the
PETITION FOR SPECIAL HEARING
OF
THOMAS THINGELSTAD
and
MARY THINGELSTAD

- * BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 91-29-SPH 449

SUBPOENA DUCES TECUM

To: Vick Reed
Building Inspector
Baltimore County of Permits and Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204

You are hereby directed to appear at the hearing to be conducted in the above-referenced matter on September 18, 1990 at 9:30 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, and to bring with you:

All records of permit applications for the construction of, and of the inspection of, all buildings constructed at 800 Hillstead Drive, Lutherville, Maryland since January 1, 1987.

MR. SHERIFF, please process in accordance with Zoning Commissioner's Rule IV(C).

rjk/#2/9-13-90
SMTH-THN.SBP

COST \$15.00
SUMMONED 9/17/90
NOT SERVED

LAW OFFICES
MOORE, LIBOWITZ & THOMAS
A PROFESSIONAL ASSOCIATION
FIFTH FLOOR
300 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4305
(301) 752-2468
TELECOPIER (301) 752-2046

January 25, 1991

Mr. J. Robert Haines
Zoning Commissioner
for Baltimore County
Baltimore County Office
of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Thomas Thingelstad, et ux., Petitioners
Case No. 91-29-SPH

Dear Commissioner Haines:

My clients, David D. Smith and Donna Smith, hereby note an appeal to the Baltimore County Board of Appeals from your findings of fact and conclusions of law dated December 28, 1990 in the above-referenced case insofar as said decision grants Petitioners the relief they sought with regard to the cul-de-sac driveway configuration on the subject property.

Enclosed is a check in the amount of \$75.00 payable to the Baltimore County Office of Planning & Zoning to cover the cost of this appeal.

Very truly yours,

MOORE, LIBOWITZ & THOMAS

Peter W. Taliaferro

PWT:rjk
cc: Michael E. Marino, Esq.
Hon. William T. Hackett

LAW OFFICES
MOORE, LIBOWITZ & THOMAS
A PROFESSIONAL ASSOCIATION
FIFTH FLOOR
300 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4305
(301) 752-2468
TELECOPIER (301) 752-2046

February 4, 1991

Ms. Charlotte Radcliffe
Baltimore County Office of
Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Appeal from Special Hearing Decision
Thomas Thingelstad, et ux., Petitioners
Case No. 91-29-SPH

Dear Ms. Radcliffe:

Consistent with recent telephone communication with your office, enclosed is a check in the amount of \$75.00 to cover the balance of the costs for handling the appeal from the above-referenced matter to the Baltimore County Board of Appeals.

Very truly yours,

MOORE, LIBOWITZ & THOMAS

Peter W. Taliaferro

PWT:rjk
Enclosure

LAW OFFICES
MOORE, LIBOWITZ & THOMAS
A PROFESSIONAL ASSOCIATION
FIFTH FLOOR
300 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4305
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September 12, 1990

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
County Office Building
Towson, Maryland 21204

RE: THOMAS AND MARY THINGELSTAD
PETITION FOR SPECIAL HEARING
91-29-SPH 449

Dear Commissioner Haines:

Thomas and Mary Thingelstad have petitioned the Zoning Commissioner for a hearing to determine if the Zoning Commissioner should approve two acts of development on their property at 800 Hillstead Drive in the Hillstead subdivision in Lutherville. First, the Thingelstads ask the Zoning Commissioner:

To allow a pool house with plumbing, range and refrigerator to be used as an accessory building to the house and not as a dwelling.

Second, they ask the Zoning Commissioner

to allow the amendment of the development plan for Lot 12 Plat A "Hillstead" as it relates to the cul-de-sac pursuant to BCZR 1801.3.A.7.b

Although the Thingelstads only acknowledge that their request regarding the cul-de-sac requires an amendment of the Hillstead development plan, their request regarding the pool house also entails an amendment of the plan, as addressed below. Both of these requests are material amendments to the plan. Both require an evaluation not by the Zoning Commissioner at this stage, but

In the Matter of the
PETITION FOR SPECIAL HEARING
OF
THOMAS THINGELSTAD
and
MARY THINGELSTAD

SUBPOENA DUCES TECUM

To: Walter Rupp
Supervisor
Planning Inspection Division
Baltimore County of Permits and Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204

You are hereby directed to appear at the hearing to be conducted in the above-referenced matter on September 18, 1990 at 9:30 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, and to bring with you:

All records of permit applications for, the carrying out of, and the issuance of certificates for, inspection of any water and septic systems at 800 Hillstead Drive, Lutherville, Maryland since January 1, 1987.

MR. SHERIFF, please process in accordance with Zoning Commissioner's Rule IV(C).

rjk/#2/9-13-90
SMTH-THN.SBP

COST \$15.00
SUMMONED 9/17/90
NOT SERVED

In the Matter of the
PETITION FOR SPECIAL HEARING
OF
THOMAS THINGELSTAD
and
MARY THINGELSTAD

SUBPOENA DUCES TECUM

To: Deputy Chief John F. O'Neill
Fire Prevention Division
Investigative Services
Baltimore County Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500

You are hereby directed to appear at the hearing to be conducted in the above-referenced matter on September 18, 1990 at 9:30 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, and to bring with you:

All records regarding the Baltimore County Fire Department's investigation of the driveway at 800 Hillstead Drive, Lutherville, Maryland, as well as all Baltimore County Fire Department documents or administrative orders, and all correspondence that you have written, regarding standards for inclusion of cul-de-sacs on panhandle driveways.

MR. SHERIFF, please process in accordance with Zoning Commissioner's Rule IV(C).

COST \$15.00
SUMMONED SEP 17 1990
NOT SERVED

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE
rjk/#2/9-13-90
SMTH-THN.SBP

In the Matter of the
PETITION FOR SPECIAL HEARING
OF
THOMAS THINGELSTAD
and
MARY THINGELSTAD

SUBPOENA DUCES TECUM

To: P. David Fields
Director of Planning and Zoning
Baltimore County Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

You are hereby directed to appear at the hearing to be conducted in the above-referenced matter on September 18, 1990 at 9:30 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, and to bring with you:

All records in your custody addressing the development of 800 Hillstead Drive, Lutherville, Maryland.

MR. SHERIFF, please process in accordance with Zoning Commissioner's Rule IV(C).

rjk/#2/9-13-90
SMTH-THN.SBP

COST \$15.00
SUMMONED 9/17/90
NOT SERVED

P&E 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 31, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Thomas Thingelstad, Item 449

The Petitioner requests a Special Hearing to allow a pool house with plumbing, range, and refrigerator to be used as an accessory building to the house and not as a dwelling; and to allow the amendment of the development plan for Lot 12, Plat A "Hillstead" as it relates to the cul-de-sac.

Staff recommends the following condition should the Petitioner's request be granted:

- A restrictive covenant shall be recorded with the Land Records Office to address the issue of future habitation of the accessory structure.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

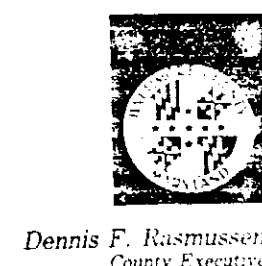
PK/JL/cmm
ITEM449/ZAC1

ENC 0 2 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 201
Towson, Maryland 21204-3300
(801) 857-4500

Paul H. Reincke
Chief

JULY 3, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THOMAS THINGELSTAD
Location: #800 HILLSTEAD DRIVE
Item No.: 449 Zoning Agenda: JULY 10, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl H. Kelly 7-10-90* Noted and Approved *Carl H. Kelly 7-10-90*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

P&E 3

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

Carl H. Kelly 7-10-90
Ex 3
J. R. Kelly

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT: 0631121 CONTROL: MR DIST: 03 PREC: 00
DATE: 10/05/89 TAX ACCOUNT #: 0100003446 CLASS: 01

PLANS: CONST. PLAT A, R. PLAT "A" DATA ELEC. NO. FLUM. NO.
LOCATION: 800 HILLSTEAD DR
SUBDIVISION: HILLSTEAD

OWNER INFORMATION
NAME: THINGELSTAD, THOMAS & MARY
ADDR: 800 HILLSTEAD DRIVE

TECHNICAL
OWNER: OWNER
ENGINEER: J. R. Kelly
SELLER: J. R. Kelly
WORK: CONSTRUCT SHED ON REAR PROPERTY 18'x18'x13'x324
SF

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED: 1. PROPOSED USE: SAME AND SHEET
EXISTING USE: SINGLE FAMILY DWELLING

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER RESIDENTIAL
FOUNDATION: BASEMENT, NONE
SEWAGE: PRIV. EXISTS
WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS
SIZE: 000/000/000/000
FRONT STREET: 220' / 60'
SIDE STREET: 140'
FRONT SETB: 220' / 60'
SIDE SETB: 140'
SIDE SETB: 140'
REAR SETB: 140'

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PERMIT: 0631121
RECEIPT: 0631121
CONTROL: MR
DIST: 03
PREC: 00
DATE: 10/05/89
TAX ACCOUNT #: 0100003446
CLASS: 01

PROPERTY ADDRESS: 800 HILLSTEAD DRIVE
SUBDIV: HILLSTEAD
PLAT: 0631121
OWNER'S INFORMATION (LAST, FIRST)
NAME: THINGELSTAD, THOMAS & MARY
ADDR: 800 HILLSTEAD DRIVE
CITY: TOWSON, MD 21204
PHONE: 800-857-4500
MISC LICENSE: 1
APPLICANT'S SIGNATURE: *Thomas & Mary Thingelstad*
DATE: 7/10/90
PLANS: CONST. PLAT A, R. PLAT "A" DATA ELEC. NO. FLUM. NO.
XCHG: 0631121
ENGR: J. R. Kelly
SEAL: J. R. Kelly

DESCRIBE PROPOSED WORK:
CONSTRUCT SHED ON REAR PROP.

TYPE OF USE
RESIDENTIAL
1. ONE FAMILY
2. TWO FAMILY
3. THREE AND FOUR FAMILY
4. FIVE OR MORE FAMILY
5. TYPE OR MORE FAMILY
(ENTER NO. UNITS)
6. GARAGE
7. OTHER

TYPE OF CONSTRUCTION
1. WOOD FRAME
2. STRUCTURE STEEL
3. REIN. CONCRETE
4. OTHER

TYPE OF HEATING FUEL
1. GAS
2. OIL
3. COAL
4. ELECTRICITY
5. SOLAR
6. OTHER

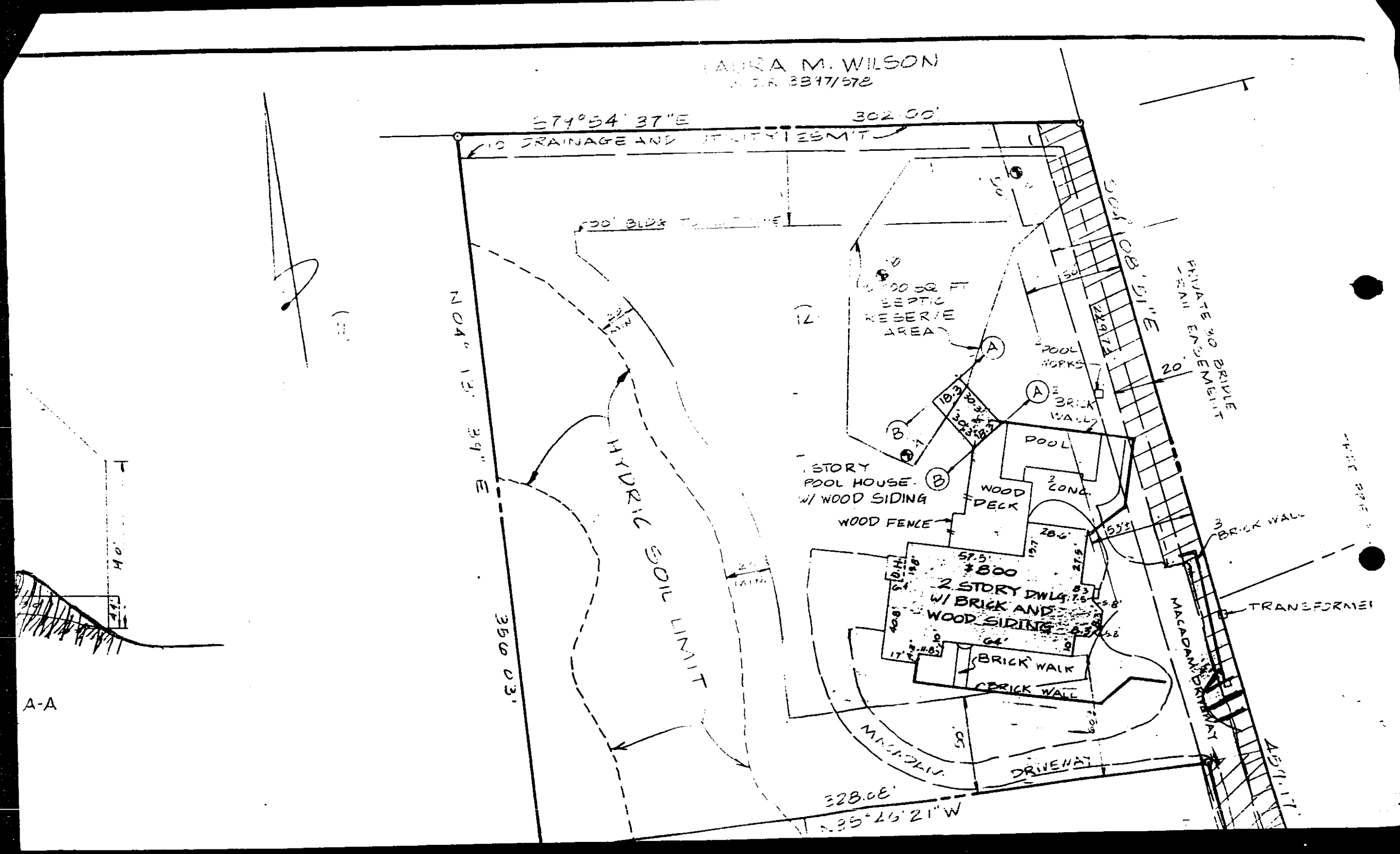
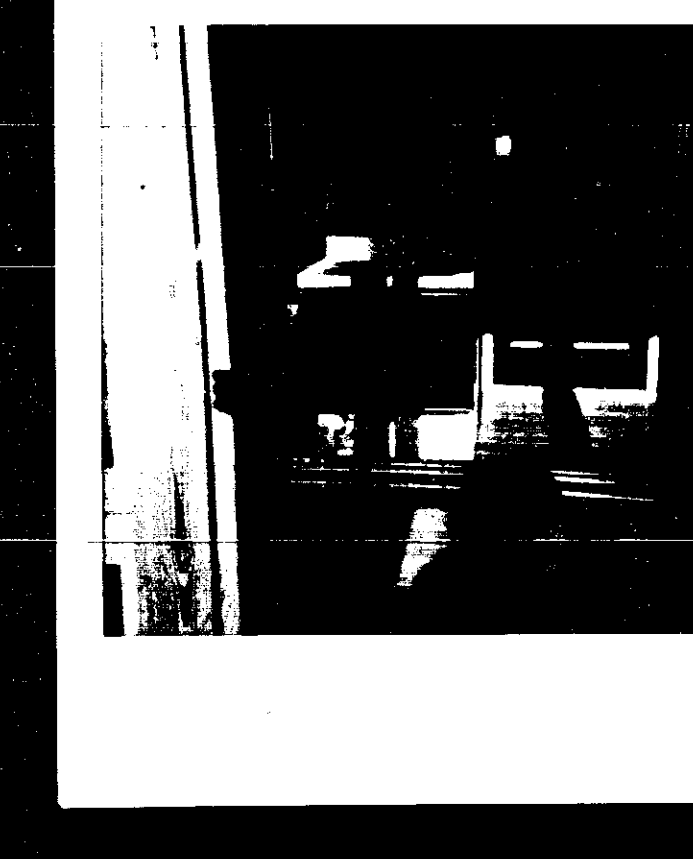
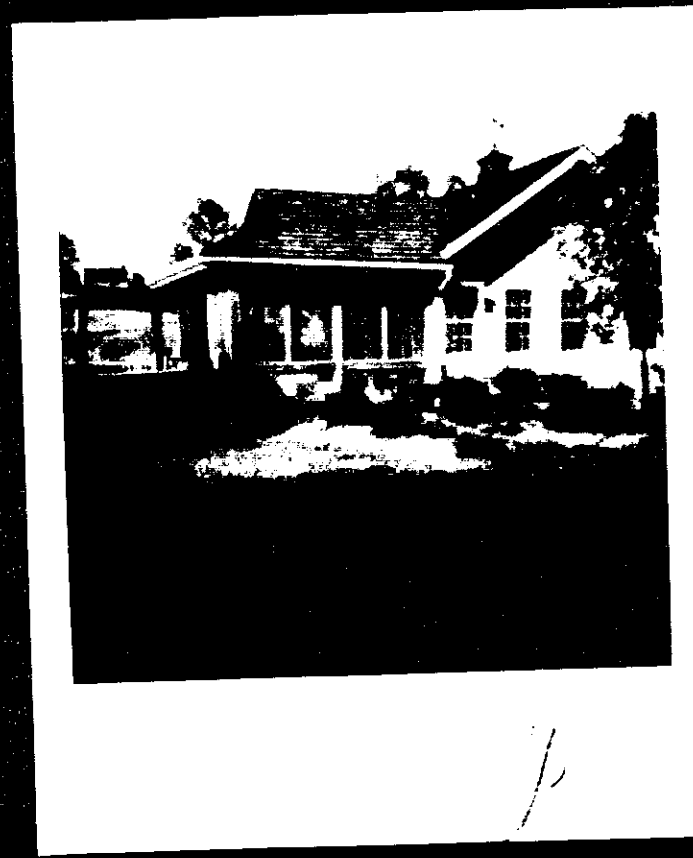
TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM
2. PRIVATE SYSTEM
3. WELL
4. OTHER

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. TOWNHOUSE 4. TOWNHOUSE 5. TOWNHOUSE
1. DETACHED 2. SEMI-DET. 3. TOWNHOUSE 4. TOWNHOUSE 5. TOWNHOUSE

APPROVAL SIGNATURES
DATE

PROTESTANT'S
EXHIBIT 3
91-245PH

PROTESTANT'S
EXHIBIT 3
91-245PH



Baltimore County
Fire Department
700 East Joppa Road, Suite 300
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

PROTESTANT'S EXHIBIT 1

91-29SPH

September 6, 1990

Dennis F. Rasmussen
County Executive

Mr. Peter W. Taliaferro
Moore, Libowitz & Thomas
Fifth Floor
300 N. Charles Street
Baltimore, Maryland 21201-4305

Dear Mr. Taliaferro:

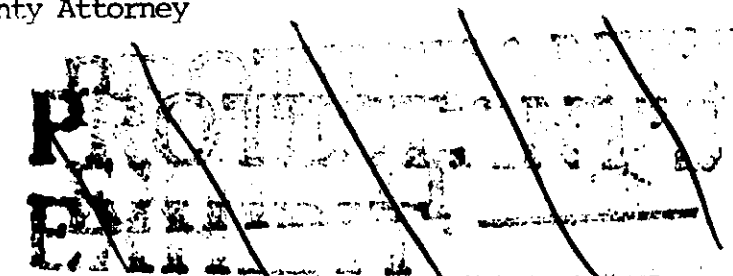
I received your letter dated August 31, 1990, in which you request certain information regarding the Thingelstad Case #C-90-1205.

As we have discussed on the telephone before, the Fire Department does not set the size of cul-de-sacs in the County nor do we inspect them. Due to the size restrictions in this particular case, "No Parking" signs need to be installed to ensure proper access for Fire Department equipment.

Sincerely,

John F. O'Neill
John F. O'Neill, Deputy Chief
Fire Prevention Division
INVESTIGATIVE SERVICES

O/kms
cc: Paul H. Reincke, Chief
Mr. Thomas L. Thingelstad
Mr. William O. Jensen, Jr., Esquire,
Assistant County Attorney
file



PETITIONER(S) EXHIBIT (3)



91-29SPH

PETITIONER(S) EXHIBIT (5)

91-29SPH



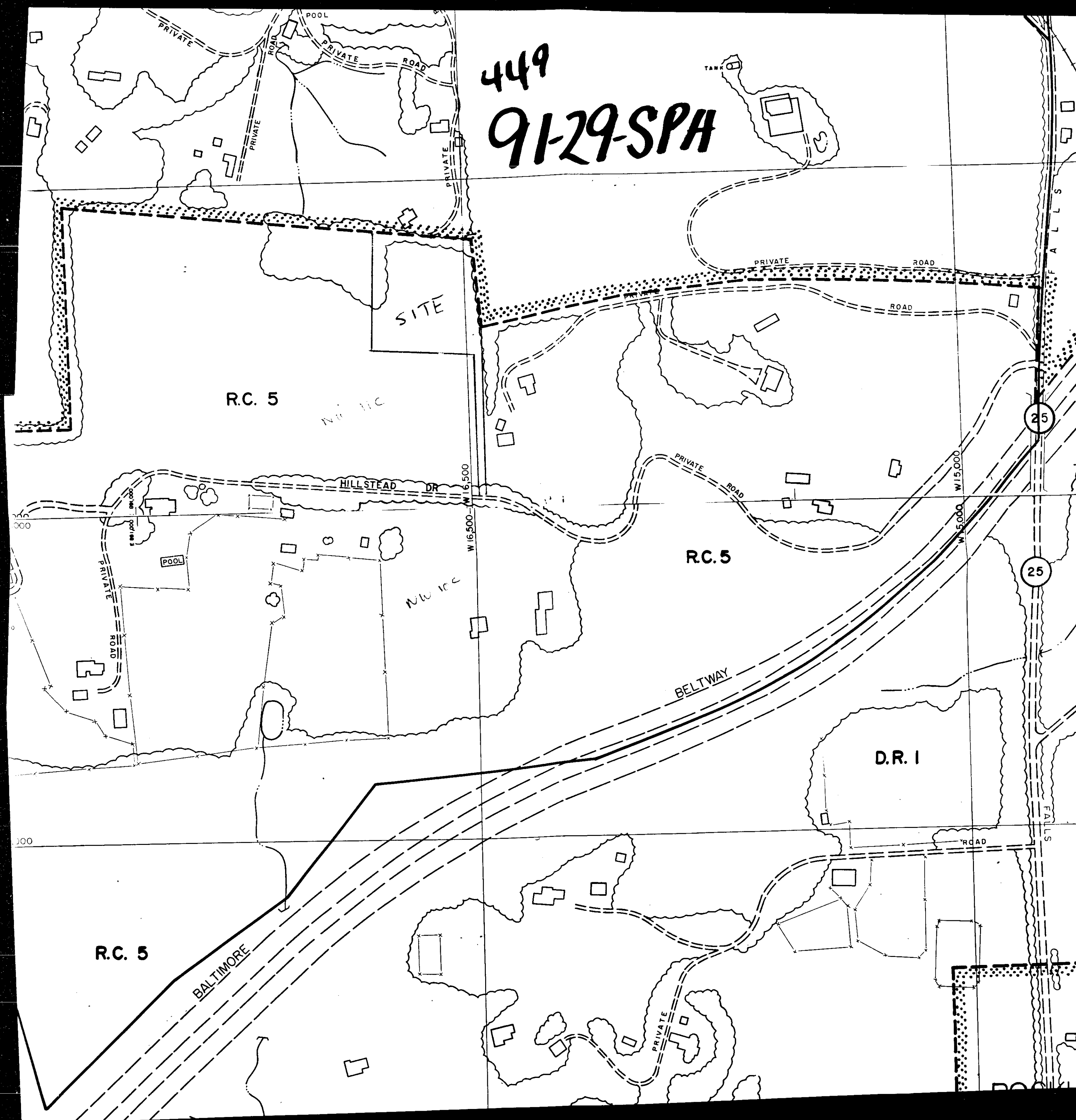
PROTESTANT(S) EXHIBIT (2)

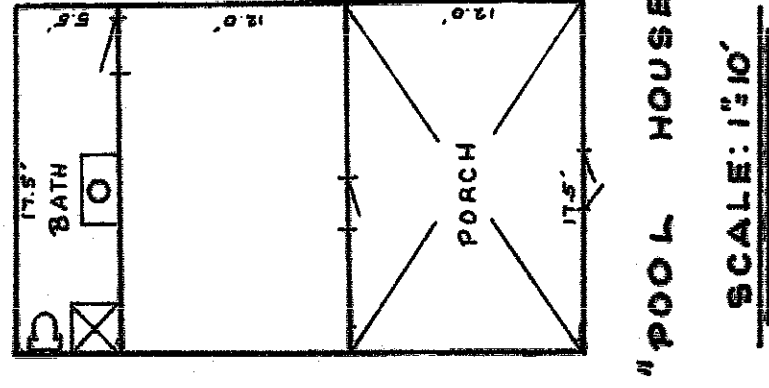
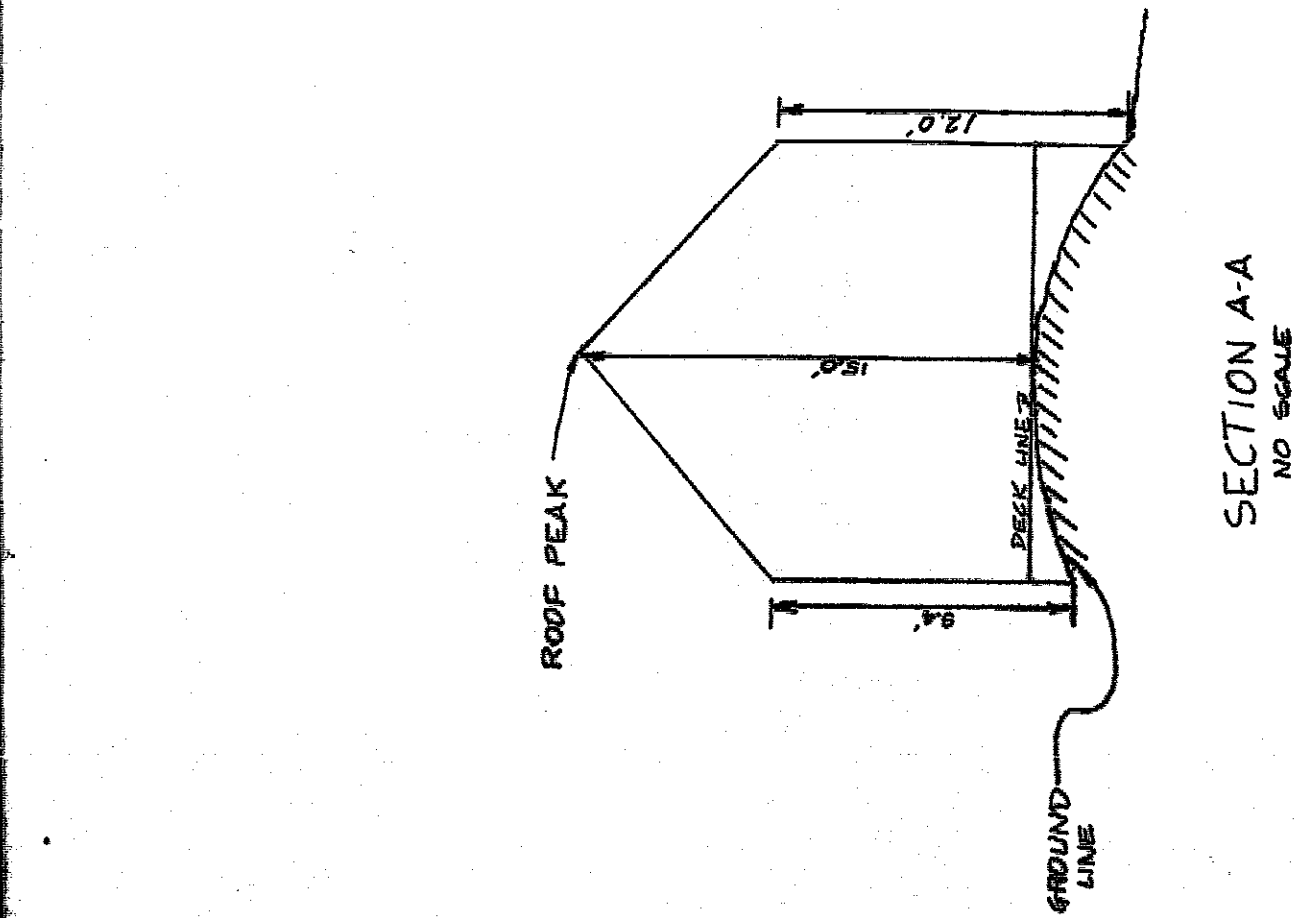
90-29SPH



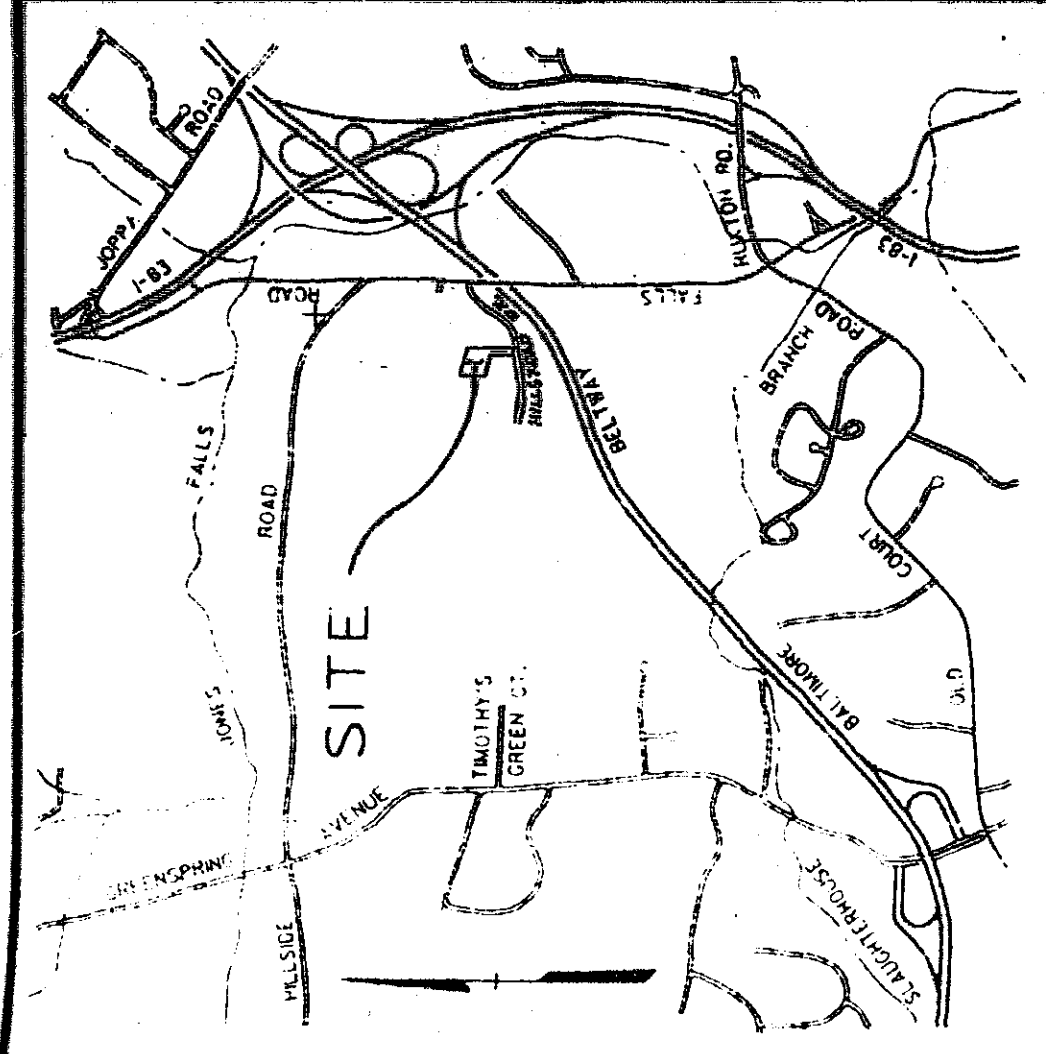
PROTESTANT(S) EXHIBIT (2)

90-29SPH





LAURA M. WILSON
W.R. 3847/278



MEACHUM
6063/567

PETITIONER'S
EXHIBIT 1

91-29-SPH

LOT 12 PLAT A
"HILLSTEAD"
PLAT REFERENCE 1074
EASTMAN DISTRICT
BALTIMORE COUNTY, MD

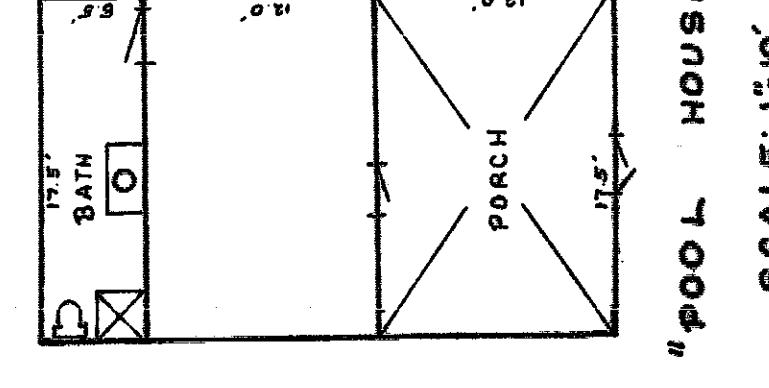
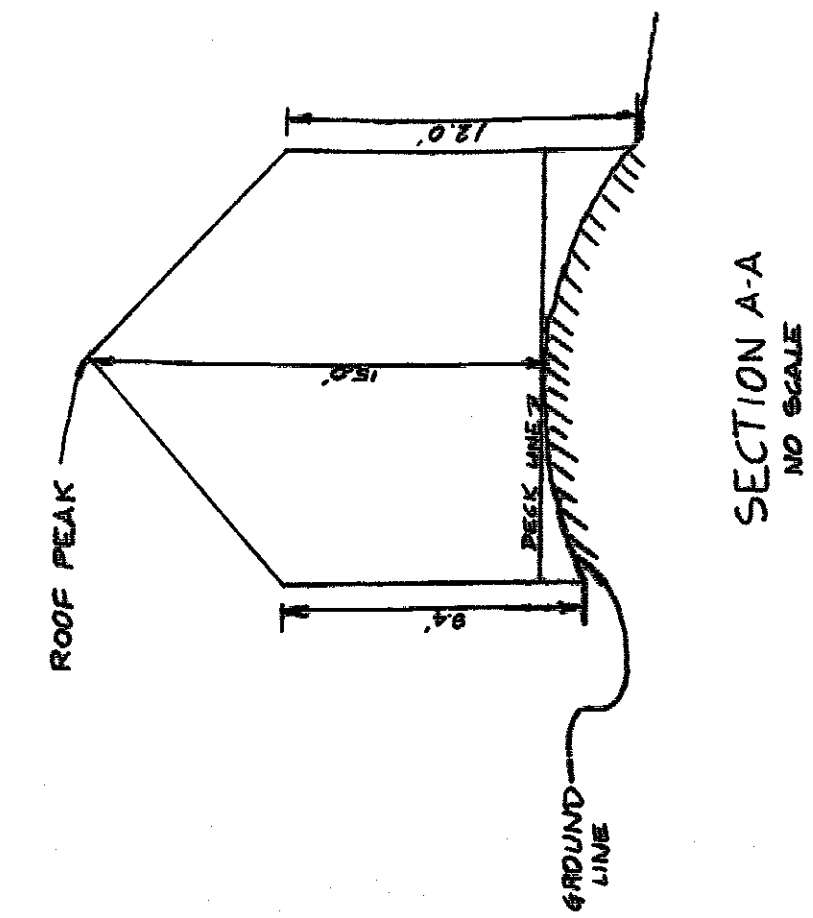
"PLAN TO ACCOMPANY
SPECIAL HEARING"

449

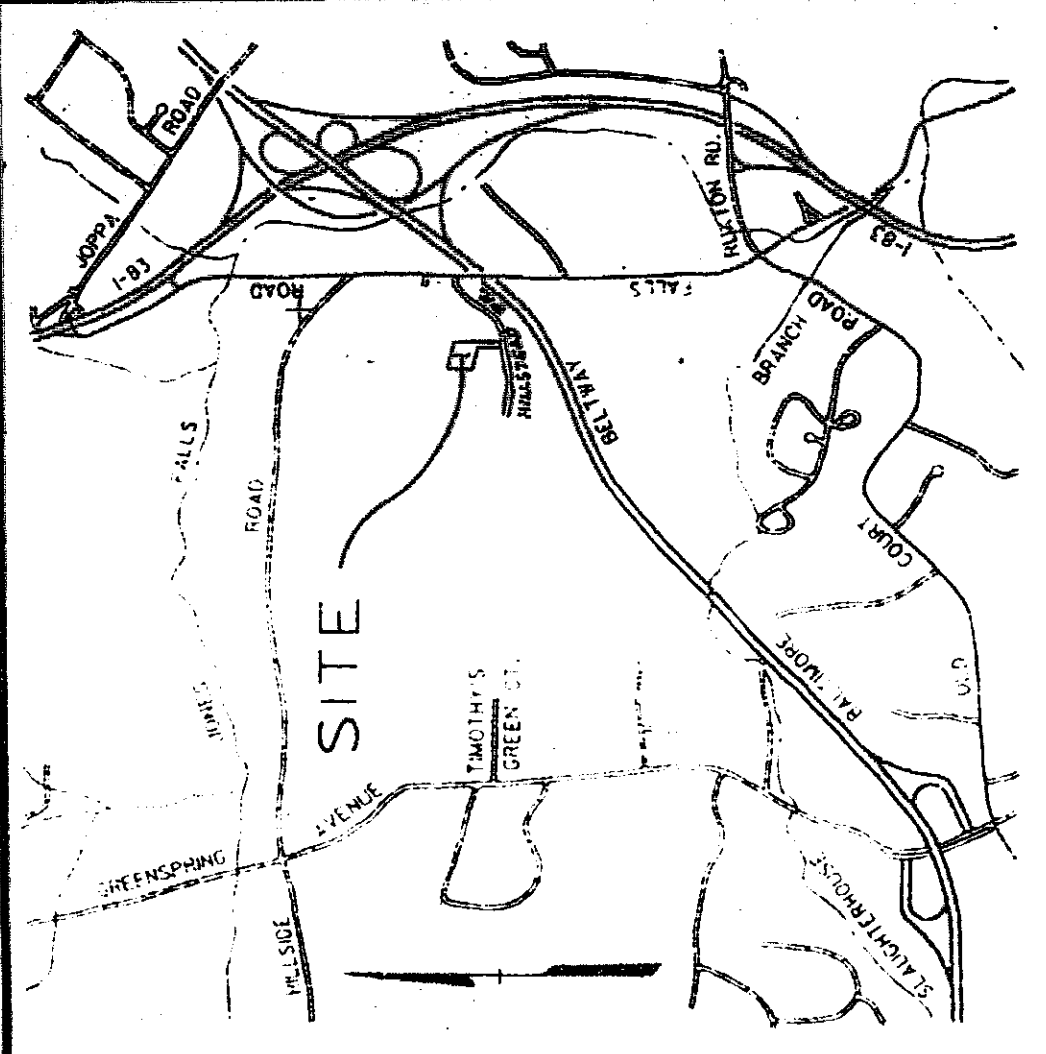
800 HILLSTEAD DRIVE	job no. 38-13
Vitti, Robel & Associates, Inc.	scale: 1"=50'
ENGINEERING & SURVEYING	date: 4-18-83
1717 York Road Suite 28 Cockeysville, Md. 21030	drawn: B.D.
252-4843	

Mark L. Robel
6/5/83

OWNER
THOMAS THINGELSTEAD
808 HILLSTEAD DRIVE
LUTHERVILLE, MD. 21093



LAURA M. WILSON
W.R. 3847/278



MEACHUM
6063/567

PETITIONER'S
EXHIBIT 2

91-29-SPH

LOT 12 PLAT A
"HILLSTEAD"
PLAT REFERENCE 1074
EASTMAN DISTRICT
BALTIMORE COUNTY, MD

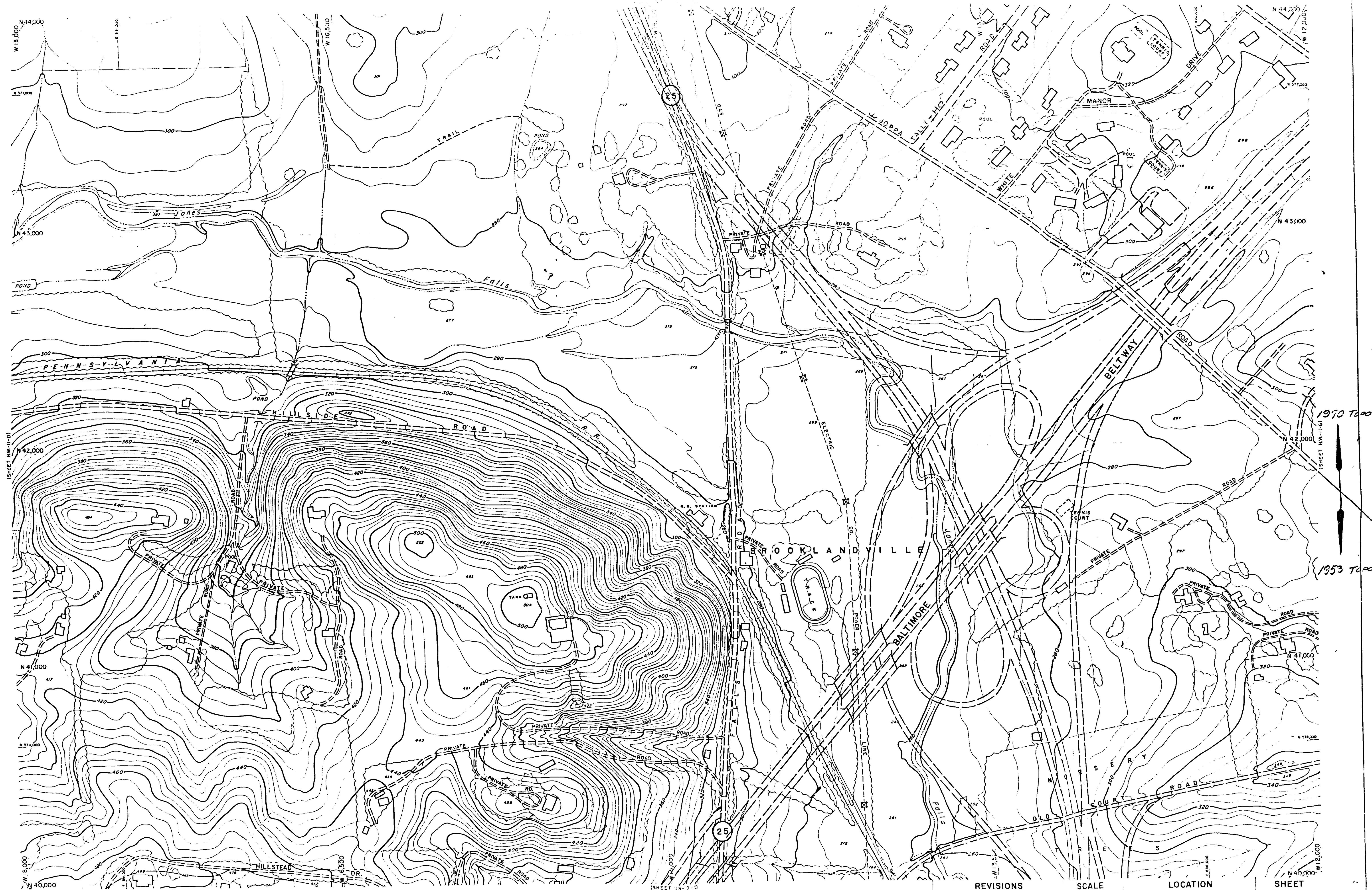
"PLAN TO ACCOMPANY
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449

800 HILLSTEAD DRIVE	job no. 38-13
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252-4843	

Mark L. Robel
6/5/83

OWNER
THOMAS THINGELSTEAD
808 HILLSTEAD DRIVE
LUTHERVILLE, MD. 21093



S-SW S-SE
O-NW O-NE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		BY	DATE
Topographic		MAPS, INC.	4-11-70
		DATE OF PHOTOGRAPHY	APRIL 1953
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.			

SCALE

1" = 200'

LOCATION

BROOKLANDVILLE

N. W.

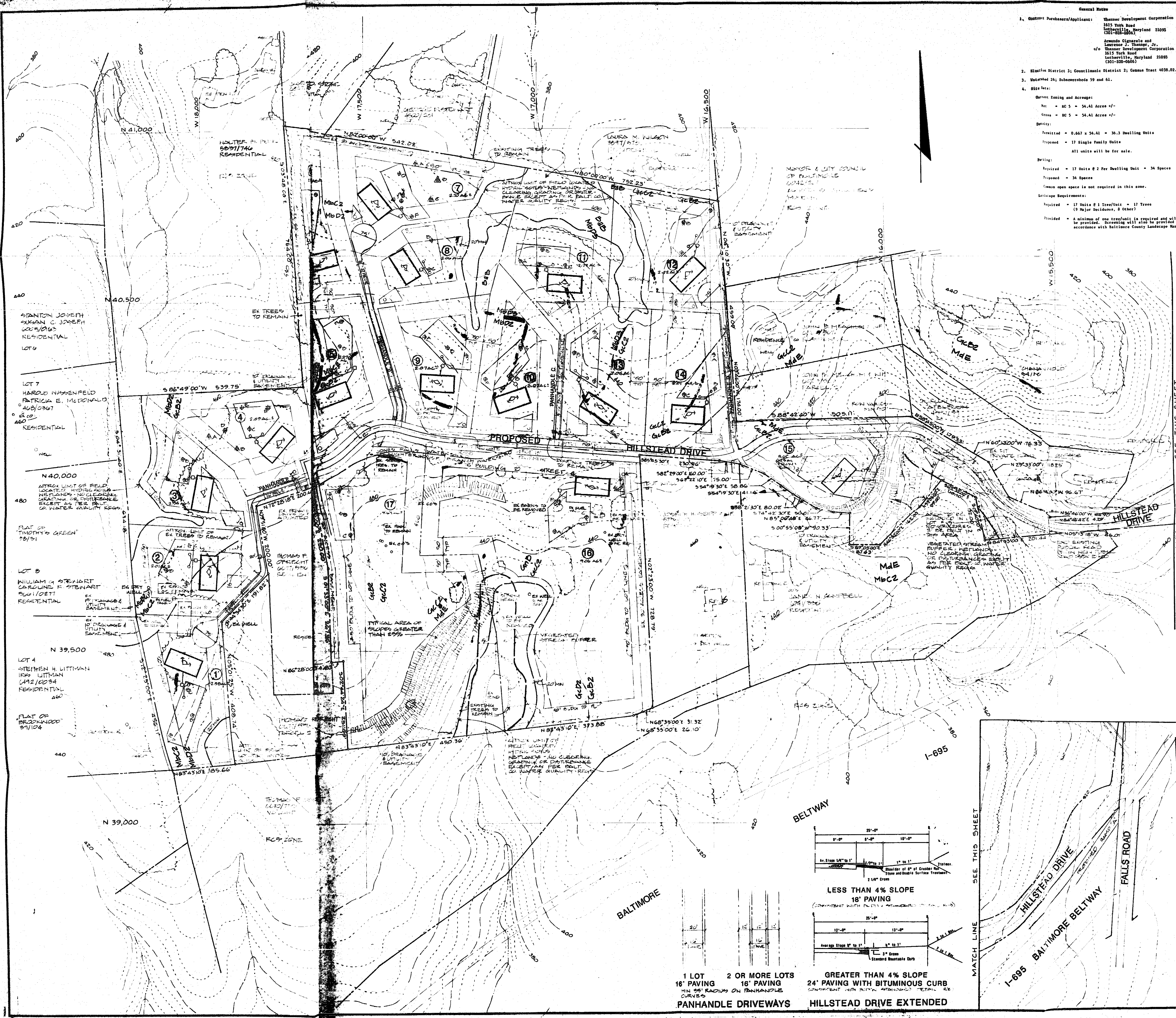
11-C

91-29-SPH
449

SHEET

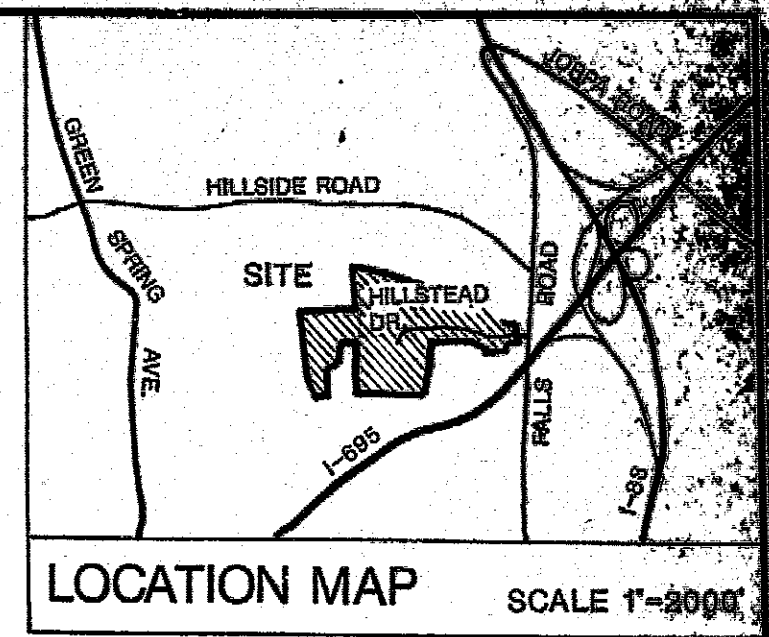
1970 TAP

1953 TAP



General Notes

1. Owner: Shannon Development Corporation
1015 York Road
Baltimore, Maryland 21205
Armando C. Shannon and
Shannon Development Corporation
1015 York Road
Baltimore, Maryland 21205
(301) 225-0665
2. Easement District 3; Councilmanic District 2; Census Tract 4038.02.
3. Watermain 24; Subwatermain 59 and 61.
4. Site Notes:
a. Easement and Access:
b. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
c. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
d. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
e. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
f. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
g. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
h. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
i. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
j. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
k. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
l. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
m. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
n. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
o. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
p. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
q. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
r. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
s. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
t. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
u. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
v. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
w. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
x. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
y. Easement = 0.067 x 54.41 = 3.63 Dwelling Units
z. Easement = 0.067 x 54.41 = 3.63 Dwelling Units



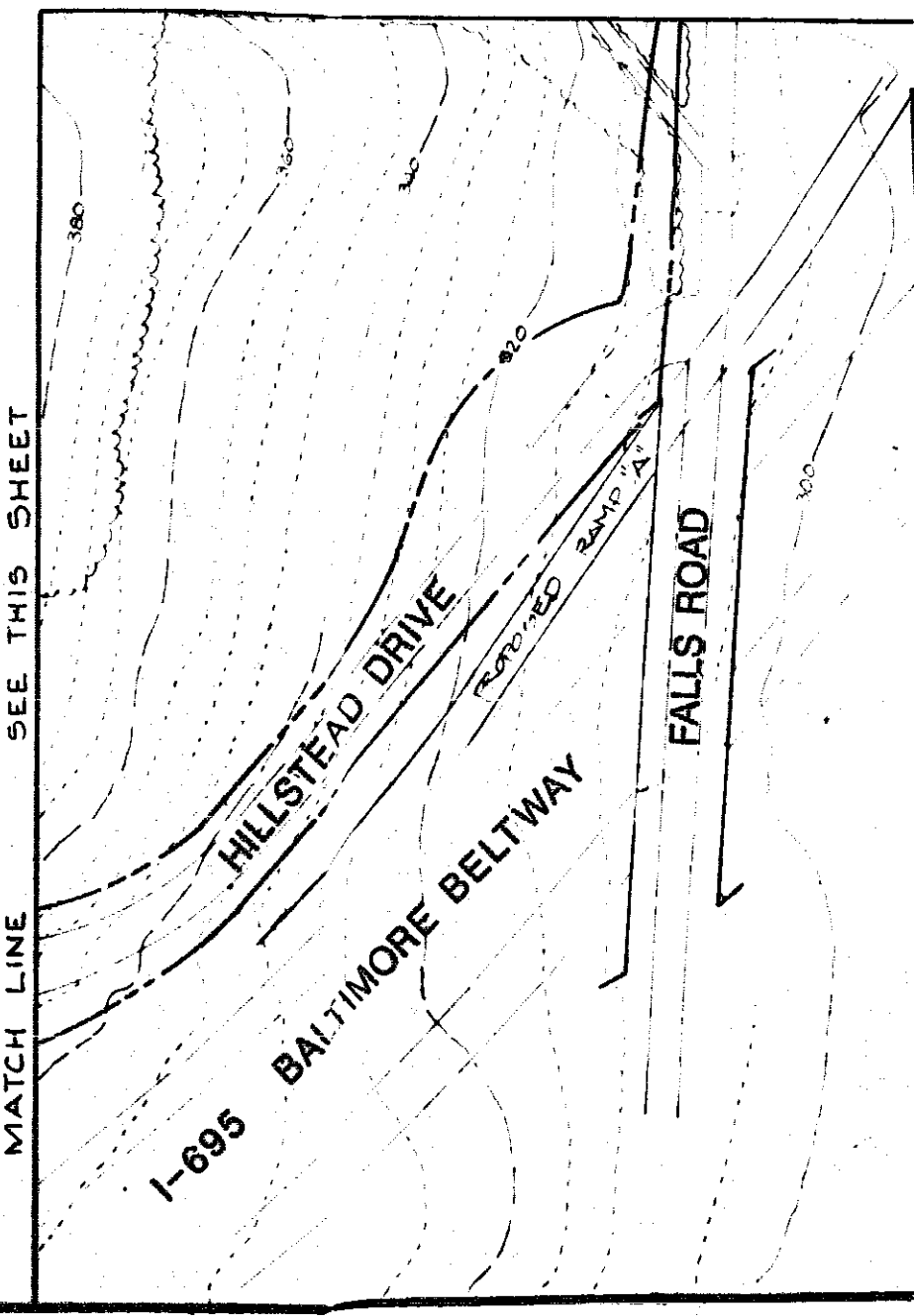
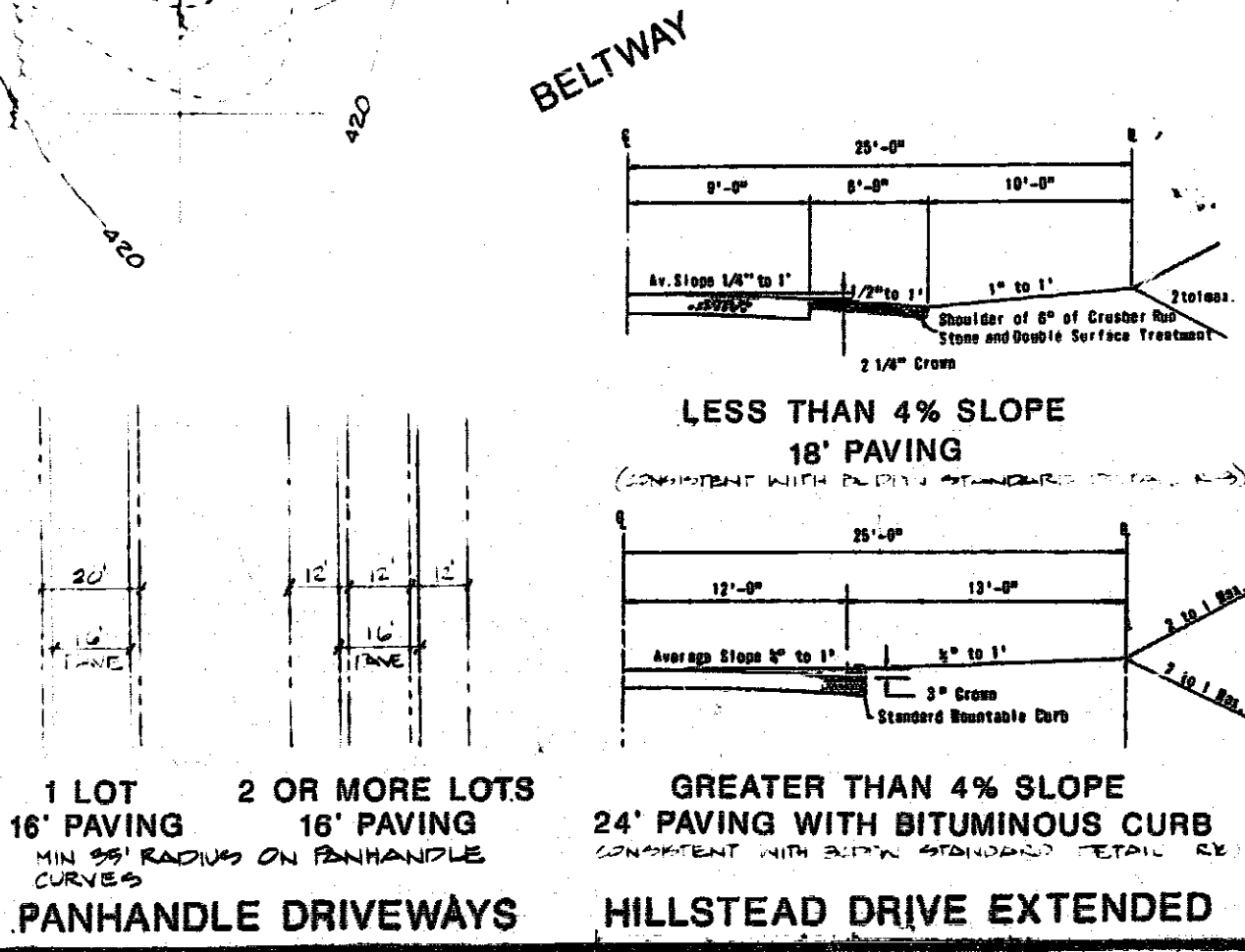
5. All lots will be well and septic.
- The existing well on Lot No. 1 will be used to serve the new residence.
- All other existing drilled wells shall be abandoned by a licensed well driller prior to record and well abandonment requests submitted to the Health Department.
- Existing private sewage disposal systems shall be pumped and either backfilled or removed prior to record.
6. Slopes:
- | Slope Series | Hydro | Without | Without | Without |
|--------------|---|---|---|---|
| and Symbol | Class | Basement | Basement | Basement |
| (a) D | Severe: High Water Table; Poor Natural Drainage | Severe: High Water Table; Poor Natural Drainage | Severe: High Water Table; Poor Natural Drainage | Severe: High Water Table; Poor Natural Drainage |
| (b) C | Slight | Slight | Slight | Slight |
| (c) B | Moderate: Slope | Moderate: Slope | Moderate: Slope | Moderate: Slope |
| (d) A | Severe: Slope | Severe: Slope | Severe: Slope | Severe: Slope |
| (e) C | Severe: High Water Table | Severe: High Water Table | Severe: High Water Table | Severe: High Water Table |
| (f) D | Slight | Slight | Slight | Slight |
| (g) B | Moderate: Slope | Moderate: Slope | Moderate: Slope | Moderate: Slope |
| (h) C | Severe: Slope | Severe: Slope | Severe: Slope | Severe: Slope |
| (i) D | Severe: Slope | Severe: Slope | Severe: Slope | Severe: Slope |
| (j) B | Severe: Slope | Severe: Slope | Severe: Slope | Severe: Slope |
7. The site is approximately 10 percent wooded with major deciduous trees, 8 percent lawn with scattered ornamentals, major deciduous trees and well-manicured lawns and 75 percent pasture with scattered major deciduous trees.
8. Existing streams, springs and ponds are shown on the plan. There are no floodplains on site.
9. There is an existing dwelling and pool house which will be retained on the site. None of the existing structures are in the Baltimore County Landmarks List or the National Register. All other dwellings and barns will be removed.
10. Current Ownership: Robert W. Miller, Jr.
900 Hillside Drive
Baltimore, Maryland 21205
11. Easement Average Daily Traffic:
17 Large Single Family Lots 12.4 A.D.T. = 210.8 A.D.T.
12. An exemption of stormwater management will be requested.
13. Lines of hydroic soils have been field located on above. There are no known critical areas, archaeological sites, endangered species habitats, or hazardous material on the site.
14. Panhandle Drive will have 16 foot wide bituminous paving and will be maintained equally by all parties having rights to their use.
15. No construction or grading will occur within the limits of the vegetated stream buffer.
16. Where grading occurs on slopes greater than 25% mitigation measures will be required in accordance with Section 22-19 of the Baltimore County Development Regulations.
17. ABOVE GROUND UNDERGROUND PUMP TANKS WILL BE REMOVED. A PERMIT TO REMOVE IS REQUIRED. REMOVAL MUST BE SUPERVISED BY PERSONNEL OF THE ASSESSMENT SECTION, BUREAU OF ENVIRONMENTAL SERVICES.
18. VEHICLE ORGANIC AMPLIFIERS WILL BE REMOVED 25 FEET FROM THE EXISTING WELL TO THE SOUTH OF THE UNDERGROUND PUMP TANKS PRIOR TO RECORD PLAT.

EXHIBIT 6

DAFT-McCUNE-WALKER, INC.

NOV 12 1987

41-245811



DAFT-McCUNE-WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD 21204
TELEPHONE: (301) 298-3333

CRG PLAN
HILLSTEAD

PUBLIC SERVICES CRG NO. 8-7122
PLANNING NO.

3RD ELECTION DISTRICT
BALTIMORE COUNTY, MD

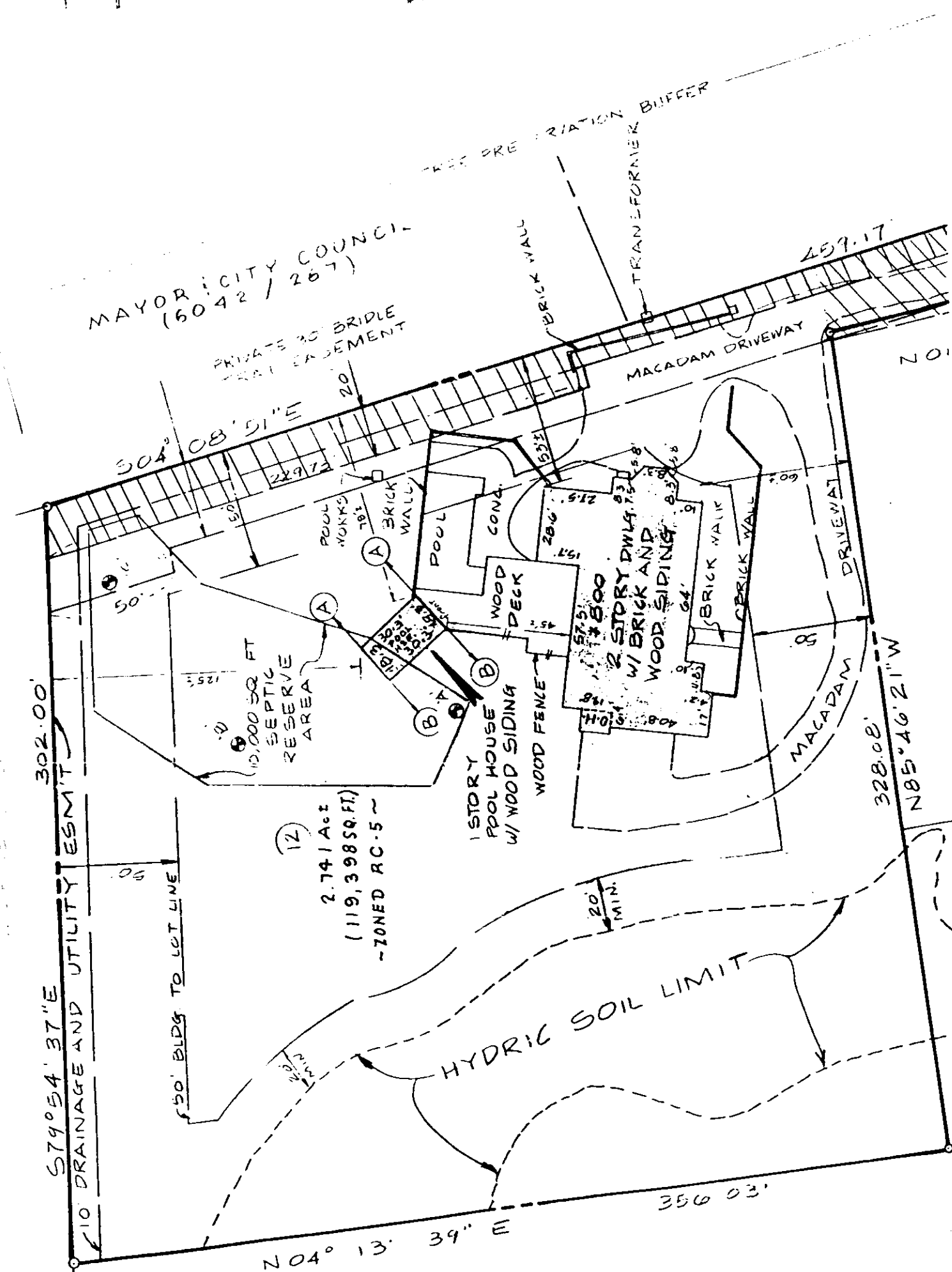
SCALE:
1"=100'

JOB ORDER NO.
87012A

ISSUE DATE
3-30-87

DATE REVISIONS

DATE	REVISIONS
4-14-87	1.01
5-14-87	1.02
6-14-87	1.03
7-14-87	1.04
8-14-87	1.05
9-14-87	1.06
10-14-87	1.07
11-14-87	1.08
12-14-87	1.09
1-14-88	1.10
2-14-88	1.11
3-14-88	1.12
4-14-88	1.13
5-14-88	1.14
6-14-88	1.15
7-14-88	1.16
8-14-88	1.17
9-14-88	1.18
10-14-88	1.19
11-14-88	1.20
12-14-88	1.21
1-14-89	1.22
2-14-89	1.23
3-14-89	1.24
4-14-89	1.25
5-14-89	1.26
6-14-89	1.27
7-14-89	1.28
8-14-89	1.29
9-14-89	1.30
10-14-89	1.31
11-14-89	1.32
12-14-89	1.33
1-14-90	1.34
2-14-90	1.35
3-14-90	1.36
4-14-90	1.37
5-14-90	1.38
6-14-90	1.39
7-14-90	1.40
8-14-90	1.41
9-14-90	1.42
10-14-90	1.43
11-14-90	1.44
12-14-90	1.45
1-14-91	1.46
2-14-91	1.47
3-14-91	1.48
4-14-91	1.49
5-14-91	1.50
6-14-91	1.51
7-14-91	1.52
8-14-91	1.53
9-14-91	1.54
10-14-91	1.55
11-14-91	1.56
12-14-91	1.57
1-14-92	1.58
2-14-92	1.59
3-14-92	1.60
4-14-92	1.61
5-14-92	1.62
6-14-92	1.63
7-14-92	1.64
8-14-92	1.65
9-14-92	1.66
10-14-92	1.67
11-14-92	1.68
12-14-92	1.69
1-14-93	1.70
2-14-93	1.71
3-14-93	1.72
4-14-93	1.73
5-14-93	1.74
6-14-93	1.75
7-14-93	1.76
8-14-93	1.77
9-14-93	1.78
10-14-93	1.79
11-14-93	1.80
12-14-93	1.81
1-14-94	1.82
2-14-94	1.83
3-14-94	1.84
4-14-94	1.85
5-14-94	1.86
6-14-94	1.87
7-14-94	1.88
8-14-94	1.89
9-14-94	1.90
10-14-94	1.91
11-14-94	1.92
12-14-94	1.93
1-14-95	1.94
2-14-95	1.95
3-14-95	1.96
4-14-95	1.97
5-14-95	1.98
6-14-95	1.99
7-14-95	2.00
8-14-95	2.01
9-14-95	2.02
10-14-95	2.03
11-14-95	2.04
12-14-95	2.05
1-14-96	2.06
2-14-96	2.07
3-14-96	2.08
4-14-96	2.09
5-14-96	2.10
6-14-96	2.11
7-14-96	2.12
8-14-96	2.13
9-14-96	2.14
10-14-96	2.15
11-14-96	2.16
12-14-96	2.17
1-14-97	2.18
2-14-97	2.19
3-14-97	2.20
4-14-97	2.21
5-14-97	2.22
6-14-97	2.23
7-14-97	2.24
8-14-97	2.25
9-14-97	2.26
10-14-97	2.27
11-14-97	2.28
12-14-97	2.29
1-14-98	2.30
2-14-98	2.31
3-14-98	2.32
4-14-98	2.33
5-14-98	2.34
6-14-98	2.35
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12-1518	4.81
1-1519	4.82
2-1519	4.83
3-1519	4.84
4-1519	4.85
5-1519	4.86
6-1519	4.87</



FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony indicated that the subject property known as 800 Hillstead Drive, consists of 2.741 acres +/-, zoned R.C.5, and is currently improved with a two story single family dwelling, built-in pool and the subject pool house. Testimony indicated that the Petitioners are requesting, pursuant to Petition for Special Hearing, permission to maintain the subject pool house as an accessory structure, as indicated on Petitioners' Exhibit No. 1.

ORDER RECEIVED FOR FILING
Date 12/29/91
By W. J. [illegible]

Testimony indicated that the Petitioners, absent of any prior authorization to do so, re-arranged the 75 ft. panhandle turn-around from that which is depicted on Petitioners' Exhibit No. 6, to the "T" type depicted on Petitioners' Exhibit No. 1. Concerns were raised by the Protestants regarding the safety of the current "T" turn-around for emergency vehicles.

RECEIVED FOR FILING
BY M. D. H. H.
DATE 10/19/72



COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Michael Marino, Esquire
HALL, LEVY & MARINO, P.A.
Suite 1212
Ten East Baltimore Street
Baltimore, MD 21202

RE: Case 91-29-SPH
Thomas Thingelstad, et ux
(Richard Schlesinger, et ux)

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Kathleen C. Weidenhammer
Administrative Assistant

cc: Richard & Jennifer Schlesinger
Mr. & Mrs. Thomas Thingelstad
Peter W. Taliaferro, Esquire
David and Donna Smith
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Ketroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

AND IT IS FURTHER ORDERED that the pool house shall be removed on or before April 15, 1991.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 12/28/96
By Mr. Brook

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the development plan for Lot 12 Plat A "Hillstead", as it relates to the cul-de-sac, pursuant to the B.C.Z.R. 1801.3.A.7.b is hereby GRANTED, sub-

-4-

After due consideration of the evidence and testimony presented, it is clear that any practical difficulty or unreasonable hardship relative to the subject pool house is clearly self-inflicted. Further, the Petitioners have not established that they have fulfilled the requirements of Section 502.1 of the B.C.Z.R. Therefore, the requested relief relative to the subject pool house shall be denied.

RECEIVED FOR FILING
Date 12/29/90
by W. J. [illegible]

-3-



COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-29-SP
 (THOMAS HINGELSTADT, ET UX
 (Richard & Jennifer Schlesinger /
 Property Owners)
 N/w Hillstead Dr., 1900' W of
 c/1 of Falls Rd. (800 Hillstead Dr.)
 3rd Election District
 2nd Councilmanic District
 SPH-Pool house w/plumbing, etc; Amend
 development plan Lot 12A re: cul-de-sac
 12/28/90 - Z.C.'s Order DENYING Petition
 in part; GRANTING in part.

which had been scheduled for hearing on September 10, 1991, has been POSTPONED at the request of Counsel for Petitioners/Appellants due to schedule conflict; and has been

REASSIGNED FOR: WEDNESDAY, OCTOBER 9, 1991 AT 10:00 a.m.

cc: Michael A. Marino, Esquire-Counsel for Petitioners/Appellants
Mr. & Mrs. Richard Schlesinger (Property Owners)
Mr. and Mrs. Thomas Thingelstad

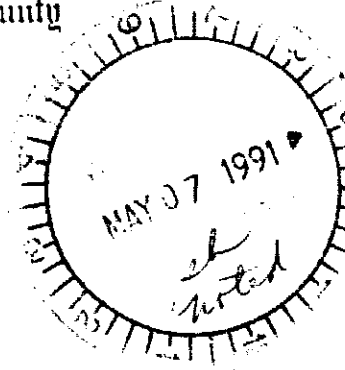
Peter W. Taliaferro, Esquire-Counsel for Protestants
Mr. and Mrs. David Smith "

P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180



Hearing Room -
Room 301, County Office Bldg. May 7, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-29-SPH THOMAS THINGELSTAD, ET UX
N/s Hillstead Dr., 1900' W of
c/l of Falls Rd. (800 Hillstead Dr.)
3rd Election District
2nd Councilmanic District

SPH-Pool house w/plumbing, etc; Amend
development plan Lot 12A re: cul-de-sac
12/28/90 -Z.C.'s Order DENYING Petition
in part; GRANTING in part.

ASSIGNED FOR: TUESDAY, SEPTEMBER 10, 1991 AT 10:00 a.m.

cc: Michael A. Marino, Esquire-Counsel for Petitioners/Appellants

Mr. and Mrs. Thomas Thingelstad

Peter W. Taliaferro, Esquire-Counsel for Protestants

Mr. and Mrs. David Smith

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

5-2-91
P.C. not
involved
Shirley H. Hines



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 7, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-29-SPH THOMAS THINGELSTAD, ET UX
N/s Hillstead Dr., 1900' W of
c/l of Falls Rd. (800 Hillstead Dr.)
3rd Election District
2nd Councilmanic District

SPH-Pool house w/plumbing, etc; Amend
development plan Lot 12A re: cul-de-sac
12/28/90 -Z.C.'s Order DENYING Petition
in part; GRANTING in part.

ASSIGNED FOR: TUESDAY, SEPTEMBER 10, 1991 AT 10:00 a.m.

cc: Michael A. Marino, Esquire-Counsel for Petitioners/Appellants

Mr. and Mrs. Thomas Thingelstad

Peter W. Taliaferro, Esquire-Counsel for Protestants

Mr. and Mrs. David Smith

People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Chief Deputy County Attorney

Richard and Jennifer Schlesinger

(Property Owners) File noted 7/9/91

LindaLee M. Kuszmaul
Legal Secretary

IN RE: PETITION FOR SPECIAL HEARING
N/S Hillstead Drive, 1900 ft.
W of c/l of Falls Road
800 Hillstead Drive
3rd Election District
2nd Councilmanic District
Thomas Thingelstad, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 91-29-SPH
*

ORDER FOR APPEAL

Please enter an appeal on behalf of the Petitioners, Thomas Thingelstad and Mary Thingelstad, from the decision of the Zoning Commissioner dated December 28, 1990.

Michael E. Marino
Hall, Levy & Marino, P.A.
Ten East Baltimore Street
Suite 1212
Baltimore, Maryland 21202
(301) 685-4400

Attorneys for Petitioners

RECEIVED

21911rb

IN THE MATTER OF
THE APPLICATION OF
THOMAS THINGELSTAD, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTH SIDE HILLSTEAD DRIVE,
1900 (WEST OF CENTERLINE OF
FALLS ROAD (800 HILLSTEAD
DRIVE)
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 91-29-SPH
*

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying a Petition for a Special Hearing requesting a pool house with plumbing, range and refrigerator to be used as an accessory building to the house and not as a dwelling.

This case also comes before this Board on a cross-appeal from a decision of the Zoning Commissioner granting the amendment of the development plan for Lot 12 Plat A "Hillstead" to allow a cul-de-sac driveway. The Protestants, Mr. and Mrs. David D. Smith, failed to appear at the Hearing before this Board and no evidence was presented in support of the cross-appeal. At the Hearing before this Board, the Petitioners moved to dismiss the cross-appeal and, upon consideration of same, this Board granted the Petitioners' motion and dismissed the cross-appeal.

At the time the Zoning Commissioner rendered his decision in this case, Mr. and Mrs. Thomas Thingelstad owned the subject property known as 800 Hillstead Drive. Subsequently, Mr. and Mrs. Richard Schlesinger purchased the subject property and, via a letter hand-delivered by Mrs. Jennifer Schlesinger, this Board was

informed that the Schlesingers wished to pursue this appeal. At the Hearing before this Board, the Schlesingers did not appear, but the Thingelstads' counsel, Michael A. Marino, stated that he was expressly authorized to proceed on behalf of the Schlesingers. The Schlesingers' personal counsel, Lee Snyder, was present and confirmed that Mr. Marino was authorized to proceed on behalf of the Schlesingers. On this basis, the Hearing before this Board proceeded.

Baltimore County, through Assistant County Attorney Thomas K. Farley, appeared and was actively represented at the Hearing before this Board.

Proffered testimony indicated that the Thingelstads had begun construction of the 18.3' x 30.3' pool house without first obtaining the requisite Baltimore County permits. Proffered testimony further indicated that a Stop Work Order had been issued to the Thingelstads on September 8, 1989. On September 19, 1989, Mr. Thingelstad applied for and received a building permit for the construction of a "shed".

Mr. Joseph Warfield, a Project Manager with Patton Consultants Ltd., testified as an expert in the field of development. Mr. Warfield expressed his expert opinion that the subject structure is an accessory building as defined by the Baltimore County Zoning Regulations. Mr. Warfield based his opinion on his observations that the structure is near the swimming pool, incidental to the house, subordinate in area and use to the house and there for the comfort and convenience of the occupants of the house.

Mr. Warfield further testified that, in his expert opinion, the pool house is not detrimental to the neighborhood and does not adversely affect the public interest. Moreover, Mr. Warfield testified that the pool house is within the standards and requirements of Section 502.1 of the Baltimore County Zoning Regulations. On cross examination, Mr. Warfield testified that the pool house can not be used as a dwelling because it lacks, among other things, a heating system and insulation.

Mr. Thomas Thingelstad next testified and admitted that he had commenced construction of the pool house without first obtaining any of the required permits. Mr. Thingelstad further admitted that it was not until after Baltimore County issued a Stop Work Order that he decided to apply for a permit, and that when he finally did apply for a permit, he applied for permission to construct a "shed" not a pool house. Mr. Thingelstad's unconvincing explanation to this Board was that he had made a "mistake" in describing the structure as a "shed" rather than a pool house.

Mr. Thingelstad further testified that the pool house is equipped with a toilet, shower, stove and sink, but lacks insulation, heating and air conditioning and closets. An exhibit entitled "Inter-Office Correspondence", dated July 31, 1990, from Pat Keller, Deputy Director, Office of Planning and Zoning, to J. Robert Haines, Zoning Commissioner, was admitted into evidence. Said exhibit states the Staff's recommendation that a restrictive covenant shall be recorded to address the issue of future habitation of the accessory building should the Petitioner's

request be granted.

On cross examination, Mr. Thingelstad admitted that despite some dialogue with Baltimore County about restrictive covenants, no restrictive covenants addressing the future habitation of the accessory structure have been recorded and no such restrictions have been put in writing.

Baltimore County called Joseph Nolan, Assistant Building Engineer for Baltimore County, as its only witness. Mr. Nolan first testified that the pool house meets the minimum requirements of "habitability" as defined by the BOCA Code, and further testified that, with alterations such as insulation and heat, the pool house would be a dwelling in his opinion. Mr. Nolan, however, admitted that without insulation and heat, he would not characterize the subject structure as a dwelling. Mr. Nolan then stated that he would characterize the subject structure as a "pool house".

Upon consideration of the evidence, this Board finds that the subject structure is an accessory building as defined by the Baltimore County Zoning Regulations. The Board further finds that the subject accessory building is a pool house and not a dwelling. Specifically, the subject structure is not a dwelling because, among other things, it lacks heat and insulation.

This Board, however, is extremely concerned that, with only a few exceptions, the subject building has all the attributes of a dwelling. It has plumbing. It has electricity. It has a range. It has a refrigerator. It has a toilet. It has a shower. It has

a sink.

This Board is even more concerned that, despite Mr. Thingelstad's dialogue with Baltimore County about restrictive covenants, no such restrictive covenants have been entered into. In fact, this Board finds that nothing at all regarding the future habitation of the subject accessory building has been agreed to and put in writing. Even more disturbing to this Board is the fact that the record owners of the property, Mr. and Mrs. Schlesinger, did not even attend the Hearing to assure this Board that the pool house will not be used as a dwelling.

The County's recommendation that a restrictive covenant be recorded to address the issue of future habitation of the accessory building is critical. This Board is compelled to make sure that the pool house stays a pool house and no more.

In view of the above, this Board will grant the Petition for Special Hearing, subject, however, to the conditions and restrictions specified in this Board's Order as written below. It is the opinion of this Board that every case creates its own unique set of facts and circumstances. Therefore, the Order written below is narrowly tailored to the facts and circumstances of this particular case only.

Pursuant to the advertising, posting of the Property, and Hearing in this case, the relief requested by the Petitioners regarding the pool house shall be granted as more particularly described below.

ORDER

IT IS THEREFORE, this 1st day of November, 1991, by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to allow a pool house with plumbing, range and refrigerator be and the same is hereby GRANTED, subject, however, to the following conditions and restrictions:

1. The existing pool house shall not be used as a dwelling.
2. Uses other than the storage of pool supplies and equipment and other uses necessary or incidental to the subject property's swimming pool shall be prohibited.
3. Insulation and heat to the pool house shall be prohibited.
4. Mr. and Mrs. Schlesinger and all other necessary parties shall execute binding restrictive covenants prohibiting the future habitation of the pool house. The Petitioners, at their expense, shall record said restrictive covenants among the Land Records of Baltimore County within ten (10) days after this Order becomes final and non-appealable.
5. The Petitioners, at their expense, shall record this Opinion and Order among the Land Records of Baltimore County within ten (10) days after this Order becomes final and non-appealable.

6

IT IS FURTHER ORDERED by the County Board of Appeals of Baltimore County that the Petitioners' Motion to Dismiss the Cross-Appeal pertaining to the cul-de-sac driveway, be and the same is hereby GRANTED and said cross-appeal is hereby DISMISSED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Michael B. Sayer
Michael B. Sayer, Acting Chairman

Judson H. Lipowitz
Judson H. Lipowitz

Harry E. Buchleister, Jr.
Harry E. Buchleister, Jr.

JHL/KAL
THINGELS.OPN

7

LAW OFFICES
MOORE, LIBOWITZ & THOMAS
A PROFESSIONAL ASSOCIATION
FIFTH FLOOR
300 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4305
(301) 752-2668
TELECOPIER (301) 752-2046

January 25, 1991

Mr. J. Robert Haines
Zoning Commissioner
for Baltimore County
Baltimore County Office
of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Thomas Thingelstad, et ux., Petitioners
Case No. 91-29-SPH

Dear Commissioner Haines:

My clients, David D. Smith and Donna Smith, hereby note an appeal to the Baltimore County Board of Appeals from your findings of fact and conclusions of law dated December 28, 1990 in the above-referenced case insofar as said decision grants Petitioners the relief they sought with regard to the cul-de-sac driveway configuration on the subject property.

Enclosed is a check in the amount of \$75.00 payable to the Baltimore County Office of Planning & Zoning to cover the cost of this appeal.

Very truly yours,
MOORE, LIBOWITZ & THOMAS

Peter W. Taliaferro

500 Hillstead Dr. 3378316
Baltimore, MD 21202
Phone No. 685-4400

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204 at 10:00 a.m. on Tuesday, September 18, 1990 at 10:00 a.m.

Special Hearing: To allow a pool house with plumbing, range and refrigerator to be used as an accessory building to the house and not as a dwelling, and to allow the amendment of the development plan for Lot 12, Plat A, "Hillstead" as it relates to the cul-de-sac driveway configuration on the subject property.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJW/289 Aug. 23

449

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-29-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 800.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

To allow a pool house with plumbing, range and refrigerator to be used as an accessory building to the house and not as a dwelling, and to allow the amendment of the development plan for Lot 12, Plat A, "Hillstead" as it relates to the cul-de-sac driveway configuration on the subject property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State

Legal Owner(s): (Type or Print Name) Signature Address City and State

Attorney for Petitioner: (Type or Print Name) Signature Address City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Michael E. Marino, 800 Hillstead Dr. 3378316, Baltimore, MD 21202, Phone No. 685-4400

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of September, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 18th day of Sept, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

500 Hillstead Dr. 3378316
Baltimore, MD 21202
Phone No. 685-4400

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 2752
2599

Date 6/19/90

PAID PER HAND-WRITTEN
RECEIPT ON 6/19/90 pcj

H9000449

PUBLIC HEARING FEES	QTY	PRICE
040 -SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: THINGELSTAD

Cashier Validation: Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/24, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/22, 1990

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

\$112.65

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 3430

Date 9/18/90

91-29

PUBLIC HEARING FEES	QTY	PRICE
040 -SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: THINGELSTAD

Cashier Validation: Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting August 22, 1990

Posted for: Special Hearing

Petitioner: Thomas Thingelstad, et ux.

Location of property: N/S Hillstead Drive, 1900' W. of S/E of Falls Road

Location of Signs: North side of Hillstead Drive at entrance to subject property

Remarks: Subject property

Posted by: S. J. Asator Date of return: August 31, 1990

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/24, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/22, 1990

TOWSON TIMES,
S. Zeke Olson
Publisher

\$112.65

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 3430

Date 9/18/90

91-29

PUBLIC HEARING FEES	QTY	PRICE
040 -SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: THINGELSTAD

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 2599
2762

Date 6/11/90

Special Hearing Filing → \$175.00

Owner: Thomas Thingelstad
N/S of Hillstead Drive
1900' W. of Falls Rd.

2nd C.O.
3rd E.O.

Cashier Validation: Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 8-30-90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Thomas Thingelstad
800 Hillstead Drive
Lutherville, Maryland 21093

Re: Petition for Special Hearing
CASE NUMBER: 91-29-SPH
N/S Hillstead Drive, 1900' W of c/l of Falls Road
800 Hillstead Drive
3rd Election District - 2nd Councilmanic
Petitioner(s): Thomas Thingelstad, et ux
HEARING: TUESDAY, SEPTEMBER 18, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$137.65 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Michael E. Marino, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 19, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 91-29-SPH
N/S Hillstead Drive, 1900' W of c/l of Falls Road
800 Hillstead Drive
3rd Election District - 2nd Councilmanic
Petitioner(s): Thomas Thingelstad, et ux
HEARING: TUESDAY, SEPTEMBER 18, 1990 at 9:30 a.m.

Special Hearing: To allow a pool house with plumbing, range and refrigerator to be used as an accessory building to the house and not as a dwelling; and to allow the amendment of the development plan for Lot 12, Plat A, "Hillstead" as it relates to the cul-de-sac.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Thingelstad
Michael E. Marino, Esq.

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

RECEIVED
JUL 5 1990

7/13/90
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #449, Zoning Advisory Committee Meeting
Property Owner: Thomas Thingelstad
Location: N/S Hillstead Dr #800 Hillstead Dr District: 3
Water Supply: PRIVATE Sewage Disposal: PRIVATE
COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 667-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others: All water lines must be connected to the existing septic system. Water conservation devices are recommended.

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 11, 1990



Dennis F. Rasmussen
County Executive

Michael E. Marino, Esquire
10 E. Baltimore Street
Baltimore, MD 21202

RE: Item No. 449, Case No. 91-29-SPH
Petitioner: Thomas Thingelstad, et ux
Petition for Special Hearing

Dear Mr. Marino:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Thomas Thingelstad
800 Hillstead Drive
Lutherville, MD 21093

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JULY 3, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THOMAS THINGELSTAD
Location: #800 HILLSTEAD DRIVE
Item No.: 449 Zoning Agenda: JULY 10, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. J. M. Kelly 7-10-90 Noted and Approved: Capt. J. F. Brady J. M. Kelly
Planning Group Fire Prevention Bureau
Special Inspection Division

JR/KEK

JUL 09 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 11th day of July, 1990.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Thomas Thingelstad et ux
Petitioner's Attorney: Michael E. Marino

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 31, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Thomas Thingelstad, Item 449

The Petitioner requests a Special Hearing to allow a pool house with plumbing, range, and refrigerator to be used as an accessory building to the house and not as a dwelling; and to allow the amendment of the development plan for Lot 12, Plat A "Hillstead" as it relates to the cul-de-sac.

Staff recommends the following condition should the Petitioner's request be granted:

- A restrictive covenant shall be recorded with the Land Records Office to address the issue of future habitation of the accessory structure.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM449/2AC1

AUG 02 1990

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610

February 14, 1990

Tom Zaleski, Jr.
Director

Mr. Thomas L. Thingelstad
800 Hillstead Drive
Lutherville, Maryland 21093

Re: B-90-21
800 Hillstead Drive

Dear Mr. Thingelstad:

I hereby acknowledge receipt of your letter of February 9, 1990, requesting an extension of time to comply with requirements of my letter of January 30, 1990.

Please be advised that the 30 day extension has been granted and I will review the file on or about March 17, 1990 and will expect that the permit application with the required data will be submitted by that date.

Very truly yours,

Joseph M. Nolan
Joseph M. Nolan
Assistant Buildings Engineer

JMN/nmg

cc: b file
data file
correspondence